

Union Calendar No. 333

105TH CONGRESS
2^D SESSION

H. R. 4103

[Report No. 105-591]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1998

Mr. YOUNG of Florida, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1999, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$20,908,851,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b)

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
2 Department of Defense Military Retirement Fund;
3 \$16,560,253,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, subsistence,
6 interest on deposits, gratuities, permanent change of sta-
7 tion travel (including all expenses thereof for organiza-
8 tional movements), and expenses of temporary duty travel
9 between permanent duty stations, for members of the Ma-
10 rine Corps on active duty (except members of the Reserve
11 provided for elsewhere); and for payments pursuant to sec-
12 tion 156 of Public Law 97-377, as amended (42 U.S.C.
13 402 note), to section 229(b) of the Social Security Act
14 (42 U.S.C. 429(b)), and to the Department of Defense
15 Military Retirement Fund; \$6,241,189,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the Air
22 Force on active duty (except members of reserve compo-
23 nents provided for elsewhere), cadets, and aviation cadets;
24 and for payments pursuant to section 156 of Public Law
25 97-377, as amended (42 U.S.C. 402 note), to section

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
2 to the Department of Defense Military Retirement Fund;
3 \$17,201,583,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and for members
14 of the Reserve Officers' Training Corps, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund; \$2,171,675,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 10211 of title 10,
22 United States Code, or while serving on active duty under
23 section 12301(d) of title 10, United States Code, in con-
24 nection with performing duty specified in section 12310(a)
25 of title 10, United States Code, or while undergoing re-

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund;
6 \$1,427,979,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund;
20 \$403,513,000.

21 RESERVE PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Force
24 Reserve on active duty under sections 10211, 10305, and
25 8038 of title 10, United States Code, or while serving on

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund; \$850,576,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund; \$3,413,195,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under section 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund;
14 \$1,372,997,000.

15

TITLE II

16

OPERATION AND MAINTENANCE

17

OPERATION AND MAINTENANCE, ARMY

18

(INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of the Army, as author-
21 ized by law; and not to exceed \$11,437,000 can be used
22 for emergencies and extraordinary expenses, to be ex-
23 pended on the approval or authority of the Secretary of
24 the Army, and payments may be made on his certificate
25 of necessity for confidential military purposes;

1 \$16,936,503,000 and, in addition, \$50,000,000 shall be
2 derived by transfer from the National Defense Stockpile
3 Transaction Fund: *Provided*, That of the funds appro-
4 priated in this paragraph, \$596,803,000 shall not be obli-
5 gated or expended until authorized by law.

6 OPERATION AND MAINTENANCE, NAVY

7 (INCLUDING TRANSFER OF FUNDS)

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance of the Navy and the
10 Marine Corps, as authorized by law; and not to exceed
11 \$5,360,000 can be used for emergencies and extraordinary
12 expenses, to be expended on the approval or authority of
13 the Secretary of the Navy, and payments may be made
14 on his certificate of necessity for confidential military pur-
15 poses; \$21,638,999,000 and, in addition, \$50,000,000
16 shall be derived by transfer from the National Defense
17 Stockpile Transaction Fund.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of the Marine Corps,
21 as authorized by law; \$2,585,118,000: *Provided*, That of
22 the funds appropriated in this paragraph, \$45,415,000
23 shall not be obligated or expended until authorized by law.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance of the Air Force, as
5 authorized by law; and not to exceed \$7,968,000 can be
6 used for emergencies and extraordinary expenses, to be ex-
7 pended on the approval or authority of the Secretary of
8 the Air Force, and payments may be made on his certifi-
9 cate of necessity for confidential military purposes;
10 \$19,024,233,000 and, in addition, \$50,000,000 shall be
11 derived by transfer from the National Defense Stockpile
12 Transaction Fund: *Provided*, That of the funds appro-
13 priated in this paragraph, \$208,125,000 shall not be obli-
14 gated or expended until authorized by law.

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance of activities and agen-
18 cies of the Department of Defense (other than the military
19 departments), as authorized by law; \$10,804,542,000, of
20 which not to exceed \$25,000,000 may be available for the
21 CINC initiative fund account; and of which not to exceed
22 \$29,000,000 can be used for emergencies and extraor-
23 dinary expenses, to be expended on the approval or author-
24 ity of the Secretary of Defense, and payments may be
25 made on his certificate of necessity for confidential mili-

1 tary purposes: *Provided*, That of the funds appropriated
2 in this paragraph, \$450,326,000 shall not be obligated or
3 expended until authorized by law.

4 OPERATION AND MAINTENANCE, ARMY RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Army Reserve; re-
8 pair of facilities and equipment; hire of passenger motor
9 vehicles; travel and transportation; care of the dead; re-
10 cruiting; procurement of services, supplies, and equip-
11 ment; and communications; \$1,201,222,000: *Provided*,
12 That of the funds appropriated in this paragraph,
13 \$3,600,000 shall not be obligated or expended until au-
14 thorized by law.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance, including training, or-
18 ganization, and administration, of the Navy Reserve; re-
19 pair of facilities and equipment; hire of passenger motor
20 vehicles; travel and transportation; care of the dead; re-
21 cruiting; procurement of services, supplies, and equip-
22 ment; and communications; \$949,039,000: *Provided*, That
23 of the funds appropriated in this paragraph, \$400,000
24 shall not be obligated or expended until authorized by law.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications; \$119,093,000: *Provided*, That
10 of the funds appropriated in this paragraph, \$2,100,000
11 shall not be obligated or expended until authorized by law.

12 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Air Force Reserve;
16 repair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications; \$1,735,996,000.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL

21 GUARD

22 For expenses of training, organizing, and administer-
23 ing the Army National Guard, including medical and hos-
24 pital treatment and related expenses in non-Federal hos-
25 pitals; maintenance, operation, and repairs to structures

1 and facilities; hire of passenger motor vehicles; personnel
2 services in the National Guard Bureau; travel expenses
3 (other than mileage), as authorized by law for Army per-
4 sonnel on active duty, for Army National Guard division,
5 regimental, and battalion commanders while inspecting
6 units in compliance with National Guard Bureau regula-
7 tions when specifically authorized by the Chief, National
8 Guard Bureau; supplying and equipping the Army Na-
9 tional Guard as authorized by law; and expenses of repair,
10 modification, maintenance, and issue of supplies and
11 equipment (including aircraft); \$2,570,315,000: *Provided*,
12 That not later than March 15, 1999, the Director of the
13 Army National Guard shall provide a report to the con-
14 gressional defense committees identifying the allocation,
15 by installation and activity, of all base operations funds
16 appropriated under this heading: *Provided further*, That
17 of the funds appropriated in this paragraph,
18 \$105,500,000 shall not be obligated or expended until au-
19 thorized by law.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For operation and maintenance of the Air National
22 Guard, including medical and hospital treatment and re-
23 lated expenses in non-Federal hospitals; maintenance, op-
24 eration, repair, and other necessary expenses of facilities
25 for the training and administration of the Air National

1 Guard, including repair of facilities, maintenance, oper-
2 ation, and modification of aircraft; transportation of
3 things, hire of passenger motor vehicles; supplies, mate-
4 rials, and equipment, as authorized by law for the Air Na-
5 tional Guard; and expenses incident to the maintenance
6 and use of supplies, materials, and equipment, including
7 such as may be furnished from stocks under the control
8 of agencies of the Department of Defense; travel expenses
9 (other than mileage) on the same basis as authorized by
10 law for Air National Guard personnel on active Federal
11 duty, for Air National Guard commanders while inspecting
12 units in compliance with National Guard Bureau regula-
13 tions when specifically authorized by the Chief, National
14 Guard Bureau; \$3,075,233,000.

15 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For expenses directly relating to Overseas Contin-
18 gency Operations by United States military forces;
19 \$746,900,000: *Provided*, That the Secretary of Defense
20 may transfer these funds only to operation and mainte-
21 nance accounts within this title, to the Defense Health
22 Program, to procurement accounts, and to working capital
23 funds: *Provided further*, That the funds transferred shall
24 be merged with and shall be available for the same pur-
25 poses and for the same time period, as the appropriation

1 to which transferred: *Provided further*, That the transfer
2 authority provided in this paragraph is in addition to any
3 other transfer authority contained elsewhere in this Act.

4 UNITED STATES COURT OF APPEALS FOR THE ARMED
5 FORCES

6 For salaries and expenses necessary for the United
7 States Court of Appeals for the Armed Forces;
8 \$7,324,000, of which not to exceed \$2,500 can be used
9 for official representation purposes.

10 ENVIRONMENTAL RESTORATION, ARMY
11 (INCLUDING TRANSFER OF FUNDS)

12 For the Department of the Army, \$342,640,000, to
13 remain available until transferred: *Provided*, That the Sec-
14 retary of the Army shall, upon determining that such
15 funds are required for environmental restoration, reduc-
16 tion and recycling of hazardous waste, removal of unsafe
17 buildings and debris of the Department of the Army, or
18 for similar purposes, transfer the funds made available by
19 this appropriation to other appropriations made available
20 to the Department of the Army, to be merged with and
21 to be available for the same purposes and for the same
22 time period as the appropriations to which transferred:
23 *Provided further*, That upon a determination that all or
24 part of the funds transferred from this appropriation are

1 not necessary for the purposes provided herein, such
2 amounts may be transferred back to this appropriation.

3 ENVIRONMENTAL RESTORATION, NAVY

4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Navy, \$281,600,000, to
6 remain available until transferred: *Provided*, That the Sec-
7 retary of the Navy shall, upon determining that such
8 funds are required for environmental restoration, reduc-
9 tion and recycling of hazardous waste, removal of unsafe
10 buildings and debris of the Department of the Navy, or
11 for similar purposes, transfer the funds made available by
12 this appropriation to other appropriations made available
13 to the Department of the Navy, to be merged with and
14 to be available for the same purposes and for the same
15 time period as the appropriations to which transferred:
16 *Provided further*, That upon a determination that all or
17 part of the funds transferred from this appropriation are
18 not necessary for the purposes provided herein, such
19 amounts may be transferred back to this appropriation.

20 ENVIRONMENTAL RESTORATION, AIR FORCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For the Department of the Air Force, \$379,100,000,
23 to remain available until transferred: *Provided*, That the
24 Secretary of the Air Force shall, upon determining that
25 such funds are required for environmental restoration, re-

1 duction and recycling of hazardous waste, removal of un-
2 safe buildings and debris of the Department of the Air
3 Force, or for similar purposes, transfer the funds made
4 available by this appropriation to other appropriations
5 made available to the Department of the Air Force, to be
6 merged with and to be available for the same purposes
7 and for the same time period as the appropriations to
8 which transferred: *Provided further*, That upon a deter-
9 mination that all or part of the funds transferred from
10 this appropriation are not necessary for the purposes pro-
11 vided herein, such amounts may be transferred back to
12 this appropriation.

13 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of Defense, \$26,091,000, to re-
16 main available until transferred: *Provided*, That the Sec-
17 retary of Defense shall, upon determining that such funds
18 are required for environmental restoration, reduction and
19 recycling of hazardous waste, removal of unsafe buildings
20 and debris of the Department of Defense, or for similar
21 purposes, transfer the funds made available by this appro-
22 priation to other appropriations made available to the De-
23 partment of Defense, to be merged with and to be avail-
24 able for the same purposes and for the same time period
25 as the appropriations to which transferred: *Provided fur-*

1 *ther*, That upon a determination that all or part of the
2 funds transferred from this appropriation are not nec-
3 essary for the purposes provided herein, such amounts
4 may be transferred back to this appropriation.

5 ENVIRONMENTAL RESTORATION, FORMERLY USED
6 DEFENSE SITES

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Army, \$195,000,000, to
9 remain available until transferred: *Provided*, That the Sec-
10 retary of the Army shall, upon determining that such
11 funds are required for environmental restoration, reduc-
12 tion and recycling of hazardous waste, removal of unsafe
13 buildings and debris at sites formerly used by the Depart-
14 ment of Defense, transfer the funds made available by this
15 appropriation to other appropriations made available to
16 the Department of the Army, to be merged with and to
17 be available for the same purposes and for the same time
18 period as the appropriations to which transferred: *Pro-*
19 *vided further*, That upon a determination that all or part
20 of the funds transferred from this appropriation are not
21 necessary for the purposes provided herein, such amounts
22 may be transferred back to this appropriation.

23 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

24 For expenses relating to the Overseas Humanitarian,
25 Disaster, and Civic Aid programs of the Department of

1 Defense (consisting of the programs provided under sec-
2 tions 401, 402, 404, 2547, and 2551 of title 10, United
3 States Code); \$56,111,000, to remain available until Sep-
4 tember 30, 2000: *Provided*, That of the funds appro-
5 priated in this paragraph, \$8,800,000 shall not be obli-
6 gated or expended until authorized by law.

7 FORMER SOVIET UNION THREAT REDUCTION

8 For assistance to the republics of the former Soviet
9 Union, including assistance provided by contract or by
10 grants, for facilitating the elimination and the safe and
11 secure transportation and storage of nuclear, chemical and
12 other weapons; for establishing programs to prevent the
13 proliferation of weapons, weapons components, and weap-
14 on-related technology and expertise; for programs relating
15 to the training and support of defense and military person-
16 nel for demilitarization and protection of weapons, weap-
17 ons components and weapons technology and expertise;
18 \$417,400,000, to remain available until September 30,
19 2001.

20 QUALITY OF LIFE ENHANCEMENTS, DEFENSE

21 For expenses, not otherwise provided for, resulting
22 from unfunded shortfalls in the repair and maintenance
23 of real property of the Department of Defense (including
24 military housing and barracks); \$850,000,000, for the
25 maintenance of real property of the Department of De-

1 fense (including minor construction and major mainte-
2 nance and repair), which shall remain available for obliga-
3 tion until September 30, 2000, as follows:

4 Army, \$219,688,000;

5 Navy, \$244,507,000;

6 Marine Corps, \$48,901,000;

7 Air Force, \$194,926,000;

8 Army Reserve, \$47,579,000;

9 Navy Reserve, \$21,055,000;

10 Marine Corps Reserve, \$7,600,000;

11 Air Force Reserve, \$9,871,000;

12 Army National Guard, \$37,535,000; and

13 Air National Guard, \$18,338,000:

14 *Provided*, That none of the funds appropriated in this
15 paragraph shall be obligated or expended until authorized
16 by law.

17 TITLE III

18 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

20 For construction, procurement, production, modifica-
21 tion, and modernization of aircraft, equipment, including
22 ordnance, ground handling equipment, spare parts, and
23 accessories therefor; specialized equipment and training
24 devices; expansion of public and private plants, including
25 the land necessary therefor, for the foregoing purposes,

1 and such lands and interests therein, may be acquired,
2 and construction prosecuted thereon prior to approval of
3 title; and procurement and installation of equipment, ap-
4 pliances, and machine tools in public and private plants;
5 reserve plant and Government and contractor-owned
6 equipment layaway; and other expenses necessary for the
7 foregoing purposes; \$1,400,338,000, to remain available
8 for obligation until September 30, 2001.

9 MISSILE PROCUREMENT, ARMY

10 For construction, procurement, production, modifica-
11 tion, and modernization of missiles, equipment, including
12 ordnance, ground handling equipment, spare parts, and
13 accessories therefor; specialized equipment and training
14 devices; expansion of public and private plants, including
15 the land necessary therefor, for the foregoing purposes,
16 and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; and procurement and installation of equipment, ap-
19 pliances, and machine tools in public and private plants;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes; \$1,140,623,000, to remain available
23 for obligation until September 30, 2001.

1 poses, and such lands and interests therein, may be ac-
2 quired, and construction prosecuted thereon prior to ap-
3 proval of title; and procurement and installation of equip-
4 ment, appliances, and machine tools in public and private
5 plants; reserve plant and Government and contractor-
6 owned equipment layaway; and other expenses necessary
7 for the foregoing purposes; \$1,099,155,000, to remain
8 available for obligation until September 30, 2001: *Pro-*
9 *vided*, That of the funds appropriated in this paragraph,
10 \$45,700,000 shall not be obligated or expended until au-
11 thorized by law.

12 OTHER PROCUREMENT, ARMY

13 For construction, procurement, production, and
14 modification of vehicles, including tactical, support, and
15 non-tracked combat vehicles; the purchase of not to exceed
16 37 passenger motor vehicles for replacement only; and the
17 purchase of 54 vehicles required for physical security of
18 personnel, notwithstanding price limitations applicable to
19 passenger vehicles but not to exceed \$230,000 per vehicle;
20 communications and electronic equipment; other support
21 equipment; spare parts, ordnance, and accessories there-
22 for; specialized equipment and training devices; expansion
23 of public and private plants, including the land necessary
24 therefor, for the foregoing purposes, and such lands and
25 interests therein, may be acquired, and construction pros-

1 ecuted thereon prior to approval of title; and procurement
2 and installation of equipment, appliances, and machine
3 tools in public and private plants; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway; and
5 other expenses necessary for the foregoing purposes;
6 \$3,101,130,000, to remain available for obligation until
7 September 30, 2001.

8 AIRCRAFT PROCUREMENT, NAVY

9 For construction, procurement, production, modifica-
10 tion, and modernization of aircraft, equipment, including
11 ordnance, spare parts, and accessories therefor; specialized
12 equipment; expansion of public and private plants, includ-
13 ing the land necessary therefor, and such lands and inter-
14 ests therein, may be acquired, and construction prosecuted
15 thereon prior to approval of title; and procurement and
16 installation of equipment, appliances, and machine tools
17 in public and private plants; reserve plant and Govern-
18 ment and contractor-owned equipment layaway;
19 \$7,599,968,000, to remain available for obligation until
20 September 30, 2001: *Provided*, That of the funds appro-
21 priated in this paragraph, \$179,121,000 shall not be obli-
22 gated or expended until authorized by law.

23 WEAPONS PROCUREMENT, NAVY

24 For construction, procurement, production, modifica-
25 tion, and modernization of missiles, torpedoes, other weap-

1 able for obligation until September 30, 2001: *Provided*,
2 That of the funds appropriated in this paragraph,
3 \$21,835,000 shall not be obligated or expended until au-
4 thorized by law.

5 SHIPBUILDING AND CONVERSION, NAVY

6 For expenses necessary for the construction, acquisi-
7 tion, or conversion of vessels as authorized by law, includ-
8 ing armor and armament thereof, plant equipment, appli-
9 ances, and machine tools and installation thereof in public
10 and private plants; reserve plant and Government and con-
11 tractor-owned equipment layaway; procurement of critical,
12 long leadtime components and designs for vessels to be
13 constructed or converted in the future; and expansion of
14 public and private plants, including land necessary there-
15 for, and such lands and interests therein, may be acquired,
16 and construction prosecuted thereon prior to approval of
17 title; \$5,973,452,000, to remain available for obligation
18 until September 30, 2003: *Provided*, That additional obli-
19 gations may be incurred after September 30, 2003, for
20 engineering services, tests, evaluations, and other such
21 budgeted work that must be performed in the final stage
22 of ship construction: *Provided further*, That none of the
23 funds provided under this heading for the construction or
24 conversion of any naval vessel to be constructed in ship-
25 yards in the United States shall be expended in foreign

1 facilities for the construction of major components of such
2 vessel: *Provided further*, That none of the funds provided
3 under this heading shall be used for the construction of
4 any naval vessel in foreign shipyards.

5 OTHER PROCUREMENT, NAVY

6 For procurement, production, and modernization of
7 support equipment and materials not otherwise provided
8 for, Navy ordnance (except ordnance for new aircraft, new
9 ships, and ships authorized for conversion); the purchase
10 of not to exceed 246 passenger motor vehicles for replace-
11 ment only; and the purchase of one vehicle required for
12 physical security of personnel, notwithstanding price limi-
13 tations applicable to passenger vehicles but not to exceed
14 \$225,000 per vehicle; expansion of public and private
15 plants, including the land necessary therefor, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway; \$3,990,553,000, to remain available for obliga-
22 tion until September 30, 2001: *Provided*, That of the
23 funds appropriated in this paragraph, \$21,046,000 shall
24 not be obligated or expended until authorized by law.

1 PROCUREMENT, MARINE CORPS

2 For expenses necessary for the procurement, manu-
3 facture, and modification of missiles, armament, military
4 equipment, spare parts, and accessories therefor; plant
5 equipment, appliances, and machine tools, and installation
6 thereof in public and private plants; reserve plant and
7 Government and contractor-owned equipment layaway; ve-
8 hicles for the Marine Corps, including the purchase of not
9 to exceed 37 passenger motor vehicles for replacement
10 only; and expansion of public and private plants, including
11 land necessary therefor, and such lands and interests
12 therein, may be acquired, and construction prosecuted
13 thereon prior to approval of title; \$812,618,000, to remain
14 available for obligation until September 30, 2001: *Pro-*
15 *vided*, That of the funds appropriated in this paragraph,
16 \$120,750,000 shall not be obligated or expended until au-
17 thorized by law.

18 AIRCRAFT PROCUREMENT, AIR FORCE

19 For construction, procurement, and modification of
20 aircraft and equipment, including armor and armament,
21 specialized ground handling equipment, and training de-
22 vices, spare parts, and accessories therefor; specialized
23 equipment; expansion of public and private plants, Gov-
24 ernment-owned equipment and installation thereof in such
25 plants, erection of structures, and acquisition of land, for

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway; and
5 other expenses necessary for the foregoing purposes in-
6 cluding rents and transportation of things;
7 \$8,384,735,000, to remain available for obligation until
8 September 30, 2001: *Provided*, That of the funds appro-
9 priated in this paragraph, \$165,658,000 shall not be obli-
10 gated or expended until authorized by law.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of
13 missiles, spacecraft, rockets, and related equipment, in-
14 cluding spare parts and accessories therefor, ground han-
15 dling equipment, and training devices; expansion of public
16 and private plants, Government-owned equipment and in-
17 stallation thereof in such plants, erection of structures,
18 and acquisition of land, for the foregoing purposes, and
19 such lands and interests therein, may be acquired, and
20 construction prosecuted thereon prior to approval of title;
21 reserve plant and Government and contractor-owned
22 equipment layaway; and other expenses necessary for the
23 foregoing purposes including rents and transportation of
24 things; \$2,191,527,000, to remain available for obligation
25 until September 30, 2001.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes; \$388,925,000, to remain avail-
15 able for obligation until September 30, 2001: *Provided*,
16 That of the funds appropriated in this paragraph,
17 \$5,298,000 shall not be obligated or expended until au-
18 thorized by law.

19 OTHER PROCUREMENT, AIR FORCE

20 For procurement and modification of equipment (in-
21 cluding ground guidance and electronic control equipment,
22 and ground electronic and communication equipment),
23 and supplies, materials, and spare parts therefor, not oth-
24 erwise provided for; the purchase of not to exceed 267 pas-
25 senger motor vehicles for replacement only; the purchase

1 of one vehicle required for physical security of personnel,
2 notwithstanding price limitations applicable to passenger
3 vehicles but not to exceed \$240,000 per vehicle; and ex-
4 pansion of public and private plants, Government-owned
5 equipment and installation thereof in such plants, erection
6 of structures, and acquisition of land, for the foregoing
7 purposes, and such lands and interests therein, may be
8 acquired, and construction prosecuted thereon, prior to
9 approval of title; reserve plant and Government and con-
10 tractor-owned equipment layaway; \$7,034,217,000, to re-
11 main available for obligation until September 30, 2001.

12 PROCUREMENT, DEFENSE-WIDE

13 For expenses of activities and agencies of the Depart-
14 ment of Defense (other than the military departments)
15 necessary for procurement, production, and modification
16 of equipment, supplies, materials, and spare parts there-
17 for, not otherwise provided for; the purchase of not to ex-
18 ceed 346 passenger motor vehicles for replacement only;
19 the purchase of 4 vehicles required for physical security
20 of personnel, notwithstanding price limitations applicable
21 to passenger vehicles but not to exceed \$165,000 per vehi-
22 cle; expansion of public and private plants, equipment, and
23 installation thereof in such plants, erection of structures,
24 and acquisition of land for the foregoing purposes, and
25 such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;
2 reserve plant and Government and contractor-owned
3 equipment layaway; \$2,055,432,000, to remain available
4 for obligation until September 30, 2001: *Provided*, That
5 not less than \$109,455,000 of the funds appropriated in
6 this paragraph shall be made available only for the pro-
7 curement of high performance computing hardware: *Pro-*
8 *vided further*, That of the funds appropriated in this para-
9 graph, \$92,566,000 shall not be obligated or expended
10 until authorized by law.

11 NATIONAL GUARD AND RESERVE EQUIPMENT

12 For procurement of aircraft, missiles, tracked combat
13 vehicles, ammunition, other weapons, and other procure-
14 ment for the reserve components of the Armed Forces;
15 \$120,000,000, to remain available for obligation until Sep-
16 tember 30, 2001: *Provided*, That the Chiefs of the Reserve
17 and National Guard components shall, not later than 30
18 days after the enactment of this Act, individually submit
19 to the congressional defense committees the modernization
20 priority assessment for their respective Reserve or Na-
21 tional Guard component.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION
4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment; \$4,967,446,000, to remain avail-
10 able for obligation until September 30, 2000: *Provided*,
11 That of the funds appropriated in this paragraph,
12 \$175,449,000 shall not be obligated or expended until au-
13 thorized by law: *Provided further*, That of the funds made
14 available under this heading, \$10,000,000 shall be avail-
15 able only to commence a live fire, side-by-side operational
16 test and evaluation of the air-to-air Starstreak and air-
17 to-air Stinger missiles fired from the AH-64D Apache heli-
18 copter: *Provided further*, That none of the funds specified
19 in the preceding proviso may be obligated until the Sec-
20 retary of the Army certifies the following, in writing, to
21 the congressional defense committees:

22 (1) Engagement tests can be safely conducted
23 with both Starstreak and Stinger missiles from the
24 AH-64D helicopter at air speeds consistent with the
25 normal operating limits of that aircraft;

1 (2) The Starstreak missiles utilized in the test
2 will be provided at no cost to the United States Gov-
3 ernment;

4 (3) None of the \$10,000,000 provided will be
5 used to develop modifications to the Starstreak or
6 the Stinger missiles; and

7 (4) Both the Starstreak and Stinger missiles
8 can be fired from the AH-64D aircraft consistent
9 with the survivability of the aircraft and missile per-
10 formance standards contained in the Army's Air-to-
11 Air Missile Capability Need Statement approved by
12 the Department of the Army in January 1997.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 NAVY

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment; \$8,297,986,000, to remain avail-
19 able for obligation until September 30, 2000: *Provided,*
20 That funds appropriated in this paragraph which are
21 available for the V-22 may be used to meet unique re-
22 quirements of the Special Operation Forces: *Provided fur-*
23 *ther,* That notwithstanding 10 U.S.C. 2366, none of the
24 funds made available under this heading may be used to
25 conduct system-level live-fire shock tests on the SSN-21

1 class of submarines unless the Commander-in-Chief of the
2 United States Atlantic Command certifies in writing to the
3 congressional defense committees that such testing must
4 be conducted to meet operational requirements for those
5 submarines: *Provided further*, That not more than
6 \$50,000,000 of the funds made available under this head-
7 ing for feasibility studies and component research and de-
8 velopment for future aircraft carriers may be obligated
9 until the Secretary of the Navy certifies in writing to the
10 congressional defense committees that the Navy has a pro-
11 gram in place to develop and install an infrared search
12 and track device on CVN-77 upon its acceptance by the
13 government: *Provided further*, That the restriction in the
14 preceding proviso does not apply to funds requested in the
15 fiscal year 1999 President's budget and provided in this
16 Act for design of CVN-77: *Provided further*, That of the
17 funds appropriated in title IV of Public Law 105-56 (De-
18 partment of Defense Appropriations Act, 1998),
19 \$213,229,000 is only for research, development, test and
20 evaluation of cooperative engagement capability.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

22 AIR FORCE

23 For expenses necessary for basic and applied sci-
24 entific research, development, test and evaluation, includ-
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment; \$13,577,441,000, to remain avail-
2 able for obligation until September 30, 2000.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 DEFENSE-WIDE

5 For expenses of activities and agencies of the Depart-
6 ment of Defense (other than the military departments),
7 necessary for basic and applied scientific research, devel-
8 opment, test and evaluation; advanced research projects
9 as may be designated and determined by the Secretary
10 of Defense, pursuant to law; maintenance, rehabilitation,
11 lease, and operation of facilities and equipment;
12 \$8,776,318,000, to remain available for obligation until
13 September 30, 2000: *Provided*, That not less than
14 \$340,446,000 of the funds made available under this
15 heading shall be made available only for the Sea-Based
16 Wide Area Defense (Navy Upper-Tier) program: *Provided*
17 *further*, That funding for the Sea-Based Wide Area De-
18 fense (Navy Upper-Tier) program in this or any other Act
19 shall be used for research, development and deployment
20 including, but not limited to, continuing ongoing risk re-
21 duction activities, initiating system engineering for an ini-
22 tial Block I capability, and deployment at the earliest fea-
23 sible time following Aegis Lightweight Exoatmospheric
24 Projectile (LEAP) intercept flight tests.

1 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

2 For expenses, not otherwise provided for, of inde-
3 pendent activities of the Director, Test and Evaluation in
4 the direction and supervision of developmental test and
5 evaluation, including performance and joint developmental
6 testing and evaluation; and administrative expenses in
7 connection therewith; \$263,606,000, to remain available
8 for obligation until September 30, 2000: *Provided*, That
9 of the funds appropriated in this paragraph, \$12,500,000
10 shall not be obligated or expended until authorized by law.

11 OPERATIONAL TEST AND EVALUATION, DEFENSE

12 For expenses, not otherwise provided for, necessary
13 for the independent activities of the Director, Operational
14 Test and Evaluation in the direction and supervision of
15 operational test and evaluation, including initial oper-
16 ational test and evaluation which is conducted prior to,
17 and in support of, production decisions; joint operational
18 testing and evaluation; and administrative expenses in
19 connection therewith; \$35,245,000, to remain available for
20 obligation until September 30, 2000: *Provided*, That of the
21 funds appropriated in this paragraph, \$6,000,000 shall
22 not be obligated or expended until authorized by law.

1 TITLE V
2 REVOLVING AND MANAGEMENT FUNDS
3 DEFENSE WORKING CAPITAL FUNDS
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Defense Working Capital Funds;
6 \$94,500,000: *Provided*, That during the fiscal year 1999,
7 in order to maintain adequate cash balances in the De-
8 fense Working Capital Funds, the Secretary of Defense
9 may transfer up to \$350,000,000 from the National De-
10 fense Stockpile Transaction Fund to the Defense Working
11 Capital Funds: *Provided further*, That the total of
12 amounts so transferred during the fiscal year shall be
13 transferred back to the National Defense Stockpile Trans-
14 action Fund not later than September 30, 1999.

15 NATIONAL DEFENSE SEALIFT FUND
16 (INCLUDING TRANSFER OF FUNDS)

17 For National Defense Sealift Fund programs,
18 projects, and activities, and for expenses of the National
19 Defense Reserve Fleet, as established by section 11 of the
20 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744);
21 \$673,366,000, to remain available until expended: *Pro-*
22 *vided*, That none of the funds provided in this paragraph
23 shall be used to award a new contract that provides for
24 the acquisition of any of the following major components
25 unless such components are manufactured in the United

1 States: auxiliary equipment, including pumps, for all ship-
2 board services; propulsion system components (that is; en-
3 gines, reduction gears, and propellers); shipboard cranes;
4 and spreaders for shipboard cranes: *Provided further*, That
5 the exercise of an option in a contract awarded through
6 the obligation of previously appropriated funds shall not
7 be considered to be the award of a new contract: *Provided*
8 *further*, That notwithstanding any other provision of law,
9 of the funds available under this heading, \$28,800,000
10 shall be transferred to “Alteration of Bridges”: *Provided*
11 *further*, That the Secretary of the military department re-
12 sponsible for such procurement may waive the restrictions
13 in the first proviso on a case-by-case basis by certifying
14 in writing to the Committees on Appropriations of the
15 House of Representatives and the Senate that adequate
16 domestic supplies are not available to meet Department
17 of Defense requirements on a timely basis and that such
18 an acquisition must be made in order to acquire capability
19 for national security purposes: *Provided further*, That of
20 the funds appropriated in this paragraph, \$3,800,000
21 shall not be obligated or expended until authorized by law.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense,
6 as authorized by law; \$10,127,622,000, of which
7 \$9,725,235,000 shall be for Operation and maintenance,
8 of which not to exceed two per centum shall remain avail-
9 able until September 30, 2000, and of which
10 \$402,387,000, to remain available for obligation until Sep-
11 tember 30, 2001, shall be for Procurement: *Provided,*
12 That of the funds appropriated in this paragraph,
13 \$62,200,000 shall not be obligated or expended until au-
14 thorized by law.

15 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
16 ARMY

17 For expenses, not otherwise provided for, necessary
18 for the destruction of the United States stockpile of lethal
19 chemical agents and munitions in accordance with the pro-
20 visions of section 1412 of the Department of Defense Au-
21 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
22 struction of other chemical warfare materials that are not
23 in the chemical weapon stockpile; \$796,100,000, of which
24 \$508,650,000 shall be for Operation and maintenance,
25 \$124,670,000 shall be for Procurement to remain avail-

1 able until September 30, 2001, and \$162,780,000 shall
2 be for Research, development, test and evaluation to re-
3 main available until September 30, 2000.

4 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
5 DEFENSE
6 (INCLUDING TRANSFER OF FUNDS)

7 For drug interdiction and counter-drug activities of
8 the Department of Defense, for transfer to appropriations
9 available to the Department of Defense for military per-
10 sonnel of the reserve components serving under the provi-
11 sions of title 10 and title 32, United States Code; for Op-
12 eration and maintenance; for Procurement; and for Re-
13 search, development, test and evaluation; \$764,595,000:
14 *Provided*, That the funds appropriated under this head
15 shall be available for obligation for the same time period
16 and for the same purpose as the appropriation to which
17 transferred: *Provided further*, That the transfer authority
18 provided in this paragraph is in addition to any transfer
19 authority contained elsewhere in this Act: *Provided fur-*
20 *ther*, That of the funds appropriated in this paragraph,
21 \$37,013,000 shall not be obligated or expended until au-
22 thorized by law.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the In-
25 spector General in carrying out the provisions of the In-

1 spector General Act of 1978, as amended; \$132,064,000,
2 of which \$130,764,000 shall be for Operation and mainte-
3 nance, of which not to exceed \$600,000 is available for
4 emergencies and extraordinary expenses to be expended on
5 the approval or authority of the Inspector General, and
6 payments may be made on his certificate of necessity for
7 confidential military purposes; and of which \$1,300,000,
8 to remain available until September 30, 2001, shall be for
9 Procurement.

10 TITLE VII

11 RELATED AGENCIES

12 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

13 DISABILITY SYSTEM FUND

14 For payment to the Central Intelligence Agency Re-
15 tirement and Disability System Fund, to maintain proper
16 funding level for continuing the operation of the Central
17 Intelligence Agency Retirement and Disability System;
18 \$201,500,000.

19 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Intelligence Commu-
22 nity Management Account; \$136,123,000, of which
23 \$30,290,000 for the Advanced Research and Development
24 Committee shall remain available until September 30,
25 2000: *Provided*, That of the funds appropriated under this

1 heading, \$27,000,000 shall be transferred to the Depart-
2 ment of Justice for the National Drug Intelligence Center
3 to support the Department of Defense's counter-drug in-
4 telligence responsibilities, and of the said amount,
5 \$1,500,000 for Procurement shall remain available until
6 September 30, 2001, and \$3,000,000 for Research, devel-
7 opment, test and evaluation shall remain available until
8 September 30, 2000.

9 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-
10 MEDIATION, AND ENVIRONMENTAL RESTORATION
11 FUND

12 For payment to Kaho'olawe Island Conveyance, Re-
13 mediation, and Environmental Restoration Fund, as au-
14 thorized by law; \$15,000,000, to remain available until ex-
15 pended.

16 NATIONAL SECURITY EDUCATION TRUST FUND

17 For the purposes of title VIII of Public Law 102-
18 183, \$3,000,000, to be derived from the National Security
19 Education Trust Fund, to remain available until ex-
20 pended.

21 TITLE VIII

22 GENERAL PROVISIONS

23 SEC. 8001. No part of any appropriation contained in
24 this Act shall be used for publicity or propaganda purposes
25 not authorized by the Congress.

1 SEC. 8002. During the current fiscal year, provisions
2 of law prohibiting the payment of compensation to, or em-
3 ployment of, any person not a citizen of the United States
4 shall not apply to personnel of the Department of Defense:
5 *Provided*, That salary increases granted to direct and indi-
6 rect hire foreign national employees of the Department of
7 Defense funded by this Act shall not be at a rate in excess
8 of the percentage increase authorized by law for civilian
9 employees of the Department of Defense whose pay is
10 computed under the provisions of section 5332 of title 5,
11 United States Code, or at a rate in excess of the percent-
12 age increase provided by the appropriate host nation to
13 its own employees, whichever is higher: *Provided further*,
14 That this section shall not apply to Department of De-
15 fense foreign service national employees serving at United
16 States diplomatic missions whose pay is set by the Depart-
17 ment of State under the Foreign Service Act of 1980: *Pro-*
18 *vided further*, That the limitations of this provision shall
19 not apply to foreign national employees of the Department
20 of Defense in the Republic of Turkey.

21 SEC. 8003. No part of any appropriation contained
22 in this Act shall remain available for obligation beyond
23 the current fiscal year, unless expressly so provided herein.

24 SEC. 8004. No more than 20 per centum of the ap-
25 propriations in this Act which are limited for obligation

1 during the current fiscal year shall be obligated during
2 the last two months of the fiscal year: *Provided*, That this
3 section shall not apply to obligations for support of active
4 duty training of reserve components or summer camp
5 training of the Reserve Officers' Training Corps.

6 (TRANSFER OF FUNDS)

7 SEC. 8005. Upon determination by the Secretary of
8 Defense that such action is necessary in the national inter-
9 est, he may, with the approval of the Office of Manage-
10 ment and Budget, transfer not to exceed \$2,000,000,000
11 of working capital funds of the Department of Defense
12 or funds made available in this Act to the Department
13 of Defense for military functions (except military con-
14 struction) between such appropriations or funds or any
15 subdivision thereof, to be merged with and to be available
16 for the same purposes, and for the same time period, as
17 the appropriation or fund to which transferred: *Provided*,
18 That such authority to transfer may not be used unless
19 for higher priority items, based on unforeseen military re-
20 quirements, than those for which originally appropriated
21 and in no case where the item for which funds are re-
22 quested has been denied by Congress: *Provided further*,
23 That the Secretary of Defense shall notify the Congress
24 promptly of all transfers made pursuant to this authority
25 or any other authority in this Act: *Provided further*, That
26 no part of the funds in this Act shall be available to pre-

1 pare or present a request to the Committees on Appropria-
2 tions for reprogramming of funds, unless for higher prior-
3 ity items, based on unforeseen military requirements, than
4 those for which originally appropriated and in no case
5 where the item for which reprogramming is requested has
6 been denied by the Congress.

7 (TRANSFER OF FUNDS)

8 SEC. 8006. During the current fiscal year, cash bal-
9 ances in working capital funds of the Department of De-
10 fense established pursuant to section 2208 of title 10,
11 United States Code, may be maintained in only such
12 amounts as are necessary at any time for cash disburse-
13 ments to be made from such funds: *Provided*, That trans-
14 fers may be made between such funds: *Provided further*,
15 That transfers may be made between working capital
16 funds and the “Foreign Currency Fluctuations, Defense”
17 appropriation and the “Operation and Maintenance” ap-
18 propriation accounts in such amounts as may be deter-
19 mined by the Secretary of Defense, with the approval of
20 the Office of Management and Budget, except that such
21 transfers may not be made unless the Secretary of Defense
22 has notified the Congress of the proposed transfer. Except
23 in amounts equal to the amounts appropriated to working
24 capital funds in this Act, no obligations may be made
25 against a working capital fund to procure or increase the
26 value of war reserve material inventory, unless the Sec-

1 retary of Defense has notified the Congress prior to any
2 such obligation.

3 SEC. 8007. Funds appropriated by this Act may not
4 be used to initiate a special access program without prior
5 notification 30 calendar days in session in advance to the
6 congressional defense committees.

7 SEC. 8008. None of the funds provided in this Act
8 shall be available to initiate: (1) a multiyear contract that
9 employs economic order quantity procurement in excess of
10 \$20,000,000 in any one year of the contract or that in-
11 cludes an unfunded contingent liability in excess of
12 \$20,000,000; or (2) a contract for advance procurement
13 leading to a multiyear contract that employs economic
14 order quantity procurement in excess of \$20,000,000 in
15 any one year, unless the congressional defense committees
16 have been notified at least 30 days in advance of the pro-
17 posed contract award: *Provided*, That no part of any ap-
18 propriation contained in this Act shall be available to initi-
19 ate a multiyear contract for which the economic order
20 quantity advance procurement is not funded at least to
21 the limits of the Government's liability: *Provided further*,
22 That no part of any appropriation contained in this Act
23 shall be available to initiate multiyear procurement con-
24 tracts for any systems or component thereof if the value
25 of the multiyear contract would exceed \$500,000,000 un-

1 less specifically provided in this Act: *Provided further*,
2 That no multiyear procurement contract can be termi-
3 nated without 10-day prior notification to the congres-
4 sional defense committees: *Provided further*, That the exe-
5 cution of multiyear authority shall require the use of a
6 present value analysis to determine lowest cost compared
7 to an annual procurement.

8 Funds appropriated in title III of this Act may be
9 used for multiyear procurement contracts as follows:

10 AV-8B aircraft;

11 E-2C aircraft;

12 T-45 aircraft; and

13 Medium Tactical Vehicle Replacement (MTVR)
14 vehicle.

15 SEC. 8009. Within the funds appropriated for the op-
16 eration and maintenance of the Armed Forces, funds are
17 hereby appropriated pursuant to section 401 of title 10,
18 United States Code, for humanitarian and civic assistance
19 costs under chapter 20 of title 10, United States Code.
20 Such funds may also be obligated for humanitarian and
21 civic assistance costs incidental to authorized operations
22 and pursuant to authority granted in section 401 of chap-
23 ter 20 of title 10, United States Code, and these obliga-
24 tions shall be reported to Congress on September 30 of
25 each year: *Provided*, That funds available for operation

1 and maintenance shall be available for providing humani-
2 tarian and similar assistance by using Civic Action Teams
3 in the Trust Territories of the Pacific Islands and freely
4 associated states of Micronesia, pursuant to the Compact
5 of Free Association as authorized by Public Law 99–239:
6 *Provided further*, That upon a determination by the Sec-
7 retary of the Army that such action is beneficial for grad-
8 uate medical education programs conducted at Army med-
9 ical facilities located in Hawaii, the Secretary of the Army
10 may authorize the provision of medical services at such
11 facilities and transportation to such facilities, on a non-
12 reimbursable basis, for civilian patients from American
13 Samoa, the Commonwealth of the Northern Mariana Is-
14 lands, the Marshall Islands, the Federated States of Mi-
15 cronesia, Palau, and Guam.

16 SEC. 8010. (a) During fiscal year 1999, the civilian
17 personnel of the Department of Defense may not be man-
18 aged on the basis of any end-strength, and the manage-
19 ment of such personnel during that fiscal year shall not
20 be subject to any constraint or limitation (known as an
21 end-strength) on the number of such personnel who may
22 be employed on the last day of such fiscal year.

23 (b) The fiscal year 2000 budget request for the De-
24 partment of Defense as well as all justification material
25 and other documentation supporting the fiscal year 2000

1 Department of Defense budget request shall be prepared
2 and submitted to the Congress as if subsections (a) and
3 (b) of this provision were effective with regard to fiscal
4 year 2000.

5 (c) Nothing in this section shall be construed to apply
6 to military (civilian) technicians.

7 SEC. 8011. Notwithstanding any other provision of
8 law, none of the funds made available by this Act shall
9 be used by the Department of Defense to exceed, outside
10 the 50 United States, its territories, and the District of
11 Columbia, 125,000 civilian workyears: *Provided*, That
12 workyears shall be applied as defined in the Federal Per-
13 sonnel Manual: *Provided further*, That workyears ex-
14 pended in dependent student hiring programs for dis-
15 advantaged youths shall not be included in this workyear
16 limitation.

17 SEC. 8012. None of the funds made available by this
18 Act shall be used in any way, directly or indirectly, to in-
19 fluence congressional action on any legislation or appro-
20 priation matters pending before the Congress.

21 SEC. 8013. (a) None of the funds appropriated by
22 this Act shall be used to make contributions to the Depart-
23 ment of Defense Education Benefits Fund pursuant to
24 section 2006(g) of title 10, United States Code, represent-
25 ing the normal cost for future benefits under section

1 3015(c) of title 38, United States Code, for any member
2 of the armed services who, on or after the date of enact-
3 ment of this Act—

4 (1) enlists in the armed services for a period of
5 active duty of less than three years; or

6 (2) receives an enlistment bonus under section
7 308a or 308f of title 37, United States Code,

8 nor shall any amounts representing the normal cost of
9 such future benefits be transferred from the Fund by the
10 Secretary of the Treasury to the Secretary of Veterans
11 Affairs pursuant to section 2006(d) of title 10, United
12 States Code; nor shall the Secretary of Veterans Affairs
13 pay such benefits to any such member: *Provided*, That in
14 the case of a member covered by clause (1), these limita-
15 tions shall not apply to members in combat arms skills
16 or to members who enlist in the armed services on or after
17 July 1, 1989, under a program continued or established
18 by the Secretary of Defense in fiscal year 1991 to test
19 the cost-effective use of special recruiting incentives in-
20 volving not more than nineteen noncombat arms skills ap-
21 proved in advance by the Secretary of Defense: *Provided*
22 *further*, That this subsection applies only to active compo-
23 nents of the Army.

24 (b) None of the funds appropriated by this Act shall
25 be available for the basic pay and allowances of any mem-

1 ber of the Army participating as a full-time student and
2 receiving benefits paid by the Secretary of Veterans Af-
3 fairs from the Department of Defense Education Benefits
4 Fund when time spent as a full-time student is credited
5 toward completion of a service commitment: *Provided*,
6 That this subsection shall not apply to those members who
7 have reenlisted with this option prior to October 1, 1987:
8 *Provided further*, That this subsection applies only to ac-
9 tive components of the Army.

10 SEC. 8014. None of the funds appropriated by this
11 Act shall be available to convert to contractor performance
12 an activity or function of the Department of Defense that,
13 on or after the date of enactment of this Act, is performed
14 by more than ten Department of Defense civilian employ-
15 ees until a most efficient and cost-effective organization
16 analysis is completed on such activity or function and cer-
17 tification of the analysis is made to the Committees on
18 Appropriations of the House of Representatives and the
19 Senate: *Provided*, That this section shall not apply to a
20 commercial or industrial type function of the Department
21 of Defense that: (1) is included on the procurement list
22 established pursuant to section 2 of the Act of June 25,
23 1938 (41 U.S.C. 47), popularly referred to as the Javits-
24 Wagner-O'Day Act; (2) is planned to be converted to per-
25 formance by a qualified nonprofit agency for the blind or

1 by a qualified nonprofit agency for other severely handi-
2 capped individuals in accordance with that Act; or (3) is
3 planned to be converted to performance by a qualified firm
4 under 51 per centum Native American ownership.

5 (TRANSFER OF FUNDS)

6 SEC. 8015. Funds appropriated in title III of this Act
7 for the Department of Defense Pilot Mentor-Protege Pro-
8 gram may be transferred to any other appropriation con-
9 tained in this Act solely for the purpose of implementing
10 a Mentor-Protege Program developmental assistance
11 agreement pursuant to section 831 of the National De-
12 fense Authorization Act for Fiscal Year 1991 (Public Law
13 101-510; 10 U.S.C. 2301 note), as amended, under the
14 authority of this provision or any other transfer authority
15 contained in this Act.

16 SEC. 8016. None of the funds in this Act may be
17 available for the purchase by the Department of Defense
18 (and its departments and agencies) of welded shipboard
19 anchor and mooring chain 4 inches in diameter and under
20 unless the anchor and mooring chain are manufactured
21 in the United States from components which are substan-
22 tially manufactured in the United States: *Provided*, That
23 for the purpose of this section manufactured will include
24 cutting, heat treating, quality control, testing of chain and
25 welding (including the forging and shot blasting process):
26 *Provided further*, That for the purpose of this section sub-

1 stantially all of the components of anchor and mooring
2 chain shall be considered to be produced or manufactured
3 in the United States if the aggregate cost of the compo-
4 nents produced or manufactured in the United States ex-
5 ceeds the aggregate cost of the components produced or
6 manufactured outside the United States: *Provided further*,
7 That when adequate domestic supplies are not available
8 to meet Department of Defense requirements on a timely
9 basis, the Secretary of the service responsible for the pro-
10 curement may waive this restriction on a case-by-case
11 basis by certifying in writing to the Committees on Appro-
12 priations that such an acquisition must be made in order
13 to acquire capability for national security purposes.

14 SEC. 8017. None of the funds appropriated by this
15 Act available for the Civilian Health and Medical Program
16 of the Uniformed Services (CHAMPUS) shall be available
17 for the reimbursement of any health care provider for in-
18 patient mental health service for care received when a pa-
19 tient is referred to a provider of inpatient mental health
20 care or residential treatment care by a medical or health
21 care professional having an economic interest in the facil-
22 ity to which the patient is referred: *Provided*, That this
23 limitation does not apply in the case of inpatient mental
24 health services provided under the program for persons
25 with disabilities under subsection (d) of section 1079 of

1 title 10, United States Code, provided as partial hospital
2 care, or provided pursuant to a waiver authorized by the
3 Secretary of Defense because of medical or psychological
4 circumstances of the patient that are confirmed by a
5 health professional who is not a Federal employee after
6 a review, pursuant to rules prescribed by the Secretary,
7 which takes into account the appropriate level of care for
8 the patient, the intensity of services required by the pa-
9 tient, and the availability of that care.

10 SEC. 8018. Funds available in this Act may be used
11 to provide transportation for the next-of-kin of individuals
12 who have been prisoners of war or missing in action from
13 the Vietnam era to an annual meeting in the United
14 States, under such regulations as the Secretary of Defense
15 may prescribe.

16 SEC. 8019. Notwithstanding any other provision of
17 law, during the current fiscal year, the Secretary of De-
18 fense may, by executive agreement, establish with host na-
19 tion governments in NATO member states a separate ac-
20 count into which such residual value amounts negotiated
21 in the return of United States military installations in
22 NATO member states may be deposited, in the currency
23 of the host nation, in lieu of direct monetary transfers to
24 the United States Treasury: *Provided*, That such credits
25 may be utilized only for the construction of facilities to

1 support United States military forces in that host nation,
2 or such real property maintenance and base operating
3 costs that are currently executed through monetary trans-
4 fers to such host nations: *Provided further*, That the De-
5 partment of Defense's budget submission for fiscal year
6 2000 shall identify such sums anticipated in residual value
7 settlements, and identify such construction, real property
8 maintenance or base operating costs that shall be funded
9 by the host nation through such credits: *Provided further*,
10 That all military construction projects to be executed from
11 such accounts must be previously approved in a prior Act
12 of Congress: *Provided further*, That each such executive
13 agreement with a NATO member host nation shall be re-
14 ported to the congressional defense committees, the Com-
15 mittee on International Relations of the House of Rep-
16 resentatives and the Committee on Foreign Relations of
17 the Senate 30 days prior to the conclusion and endorse-
18 ment of any such agreement established under this provi-
19 sion.

20 SEC. 8020. None of the funds available to the De-
21 partment of Defense may be used to demilitarize or dis-
22 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
23 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

24 SEC. 8021. Notwithstanding any other provision of
25 law, none of the funds appropriated by this Act shall be

1 available to pay more than 50 per centum of an amount
2 paid to any person under section 308 of title 37, United
3 States Code, in a lump sum.

4 SEC. 8022. No more than \$500,000 of the funds ap-
5 propriated or made available in this Act shall be used dur-
6 ing a single fiscal year for any single relocation of an orga-
7 nization, unit, activity or function of the Department of
8 Defense into or within the National Capital Region: *Pro-*
9 *vided*, That the Secretary of Defense may waive this re-
10 striction on a case-by-case basis by certifying in writing
11 to the congressional defense committees that such a relo-
12 cation is required in the best interest of the Government.

13 SEC. 8023. A member of a reserve component whose
14 unit or whose residence is located in a State which is not
15 contiguous with another State is authorized to travel in
16 a space required status on aircraft of the Armed Forces
17 between home and place of inactive duty training, or place
18 of duty in lieu of unit training assembly, when there is
19 no road or railroad transportation (or combination of road
20 and railroad transportation between those locations): *Pro-*
21 *vided*, That a member traveling in that status on a mili-
22 tary aircraft pursuant to the authority provided in this
23 section is not authorized to receive travel, transportation,
24 or per diem allowances in connection with that travel.

1 SEC. 8024. The unobligated balance of the amounts
2 appropriated by section 8024 of the Department of De-
3 fense Appropriations Act, 1998 (Public Law 105–56),
4 shall remain available until September 30, 1999 for incen-
5 tive payments authorized by section 504 of the Indian Fi-
6 nancing Act of 1974 (25 U.S.C. 1544): *Provided*, That
7 contractors participating in the test program established
8 by section 834 of Public Law 101–189 (15 U.S.C. 637
9 note) shall be eligible for the program established by sec-
10 tion 504 of the Indian Financing Act.

11 SEC. 8025. During the current fiscal year, funds ap-
12 propriated or otherwise available for any Federal agency,
13 the Congress, the judicial branch, or the District of Co-
14 lumbia may be used for the pay, allowances, and benefits
15 of an employee as defined by section 2105 of title 5,
16 United States Code, or an individual employed by the gov-
17 ernment of the District of Columbia, permanent or tem-
18 porary indefinite, who—

19 (1) is a member of a Reserve component of the
20 Armed Forces, as described in section 10101 of title
21 10, United States Code, or the National Guard, as
22 described in section 101 of title 32;

23 (2) performs, for the purpose of providing mili-
24 tary aid to enforce the law or providing assistance

1 to civil authorities in the protection or saving of life
2 or property or prevention of injury—

3 (A) Federal service under sections 331,
4 332, 333, or 12406 of title 10, or other provi-
5 sion of law, as applicable; or

6 (B) full-time military service for his or her
7 State, the District of Columbia, the Common-
8 wealth of Puerto Rico, or a territory of the
9 United States; and

10 (3) requests and is granted—

11 (A) leave under the authority of this sec-
12 tion; or

13 (B) annual leave, which may be granted
14 without regard to the provisions of sections
15 5519 and 6323(b) of title 5, if such employee
16 is otherwise entitled to such annual leave: *Pro-*
17 *vided*, That any employee who requests leave
18 under subsection (3)(A) for service described in
19 subsection (2) of this section is entitled to such
20 leave, subject to the provisions of this section
21 and of the last sentence of section 6323(b) of
22 title 5, and such leave shall be considered leave
23 under section 6323(b) of title 5.

24 SEC. 8026. None of the funds appropriated by this
25 Act shall be available to perform any cost study pursuant

1 to the provisions of OMB Circular A-76 if the study being
2 performed exceeds a period of 24 months after initiation
3 of such study with respect to a single function activity or
4 48 months after initiation of such study for a multi-func-
5 tion activity.

6 SEC. 8027. Funds appropriated by this Act for the
7 American Forces Information Service shall not be used for
8 any national or international political or psychological ac-
9 tivities.

10 SEC. 8028. Notwithstanding any other provision of
11 law or regulation, the Secretary of Defense may adjust
12 wage rates for civilian employees hired for certain health
13 care occupations as authorized for the Secretary of Veter-
14 ans Affairs by section 7455 of title 38, United States
15 Code.

16 SEC. 8029. None of the funds appropriated or made
17 available in this Act shall be used to reduce or disestablish
18 the operation of the 53rd Weather Reconnaissance Squad-
19 ron of the Air Force Reserve, if such action would reduce
20 the WC-130 Weather Reconnaissance mission below the
21 levels funded in this Act.

22 SEC. 8030. (a) Of the funds for the procurement of
23 supplies or services appropriated by this Act, qualified
24 nonprofit agencies for the blind or other severely handi-
25 capped shall be afforded the maximum practicable oppor-

1 tunity to participate as subcontractors and suppliers in the
2 performance of contracts let by the Department of De-
3 fense.

4 (b) During the current fiscal year, a business concern
5 which has negotiated with a military service or defense
6 agency a subcontracting plan for the participation by
7 small business concerns pursuant to section 8(d) of the
8 Small Business Act (15 U.S.C. 637(d)) shall be given
9 credit toward meeting that subcontracting goal for any
10 purchases made from qualified nonprofit agencies for the
11 blind or other severely handicapped.

12 (c) For the purpose of this section, the phrase “quali-
13 fied nonprofit agency for the blind or other severely handi-
14 capped” means a nonprofit agency for the blind or other
15 severely handicapped that has been approved by the Com-
16 mittee for the Purchase from the Blind and Other Severely
17 Handicapped under the Javits-Wagner-O’Day Act (41
18 U.S.C. 46–48).

19 SEC. 8031. During the current fiscal year, net re-
20 ceipts pursuant to collections from third party payers pur-
21 suant to section 1095 of title 10, United States Code, shall
22 be made available to the local facility of the uniformed
23 services responsible for the collections and shall be over
24 and above the facility’s direct budget amount.

1 SEC. 8032. During the current fiscal year, the De-
2 partment of Defense is authorized to incur obligations of
3 not to exceed \$350,000,000 for purposes specified in sec-
4 tion 2350j(c) of title 10, United States Code, in anticipa-
5 tion of receipt of contributions, only from the Government
6 of Kuwait, under that section: *Provided*, That upon re-
7 ceipt, such contributions from the Government of Kuwait
8 shall be credited to the appropriations or fund which in-
9 curred such obligations.

10 SEC. 8033. Of the funds made available in this Act,
11 not less than \$28,300,000 shall be available for the Civil
12 Air Patrol Corporation, of which \$23,500,000 shall be
13 available for Civil Air Patrol Corporation operation and
14 maintenance to support readiness activities which includes
15 \$3,800,000 for the Civil Air Patrol counterdrug program:
16 *Provided*, That funds identified for “Civil Air Patrol”
17 under this section are intended for and shall be for the
18 exclusive use of the Civil Air Patrol Corporation and not
19 for the Air Force or any unit thereof.

20 SEC. 8034. (a) None of the funds appropriated in this
21 Act are available to establish a new Department of De-
22 fense (department) federally funded research and develop-
23 ment center (FFRDC), either as a new entity, or as a
24 separate entity administrated by an organization manag-
25 ing another FFRDC, or as a nonprofit membership cor-

1 poration consisting of a consortium of other FFRDCs and
2 other non-profit entities.

3 (b) Limitation on Compensation-Federally Funded
4 Research and Development Center (FFRDC).—No mem-
5 ber of a Board of Directors, Trustees, Overseers, Advisory
6 Group, Special Issues Panel, Visiting Committee, or any
7 similar entity of a defense FFRDC, and no paid consult-
8 ant to any defense FFRDC, may be compensated for his
9 or her services as a member of such entity, or as a paid
10 consultant, except under the same conditions, and to the
11 same extent, as members of the Defense Science Board:
12 *Provided*, That a member of any such entity referred to
13 previously in this subsection shall be allowed travel ex-
14 penses and per diem as authorized under the Federal
15 Joint Travel Regulations, when engaged in the perform-
16 ance of membership duties.

17 (c) Notwithstanding any other provision of law, none
18 of the funds available to the department from any source
19 during fiscal year 1999 may be used by a defense FFRDC,
20 through a fee or other payment mechanism, for charitable
21 contributions, for construction of new buildings, for pay-
22 ment of cost sharing for projects funded by Government
23 grants, or for absorption of contract overruns.

24 (d) Notwithstanding any other provision of law, of
25 the funds available to the department during fiscal year

1 1999, not more than 6,206 staff years of technical effort
2 (staff years) may be funded for defense FFRDCs: *Pro-*
3 *vided*, That of the specific amount referred to previously
4 in this subsection, not more than 1,105 staff years may
5 be funded for the defense studies and analysis FFRDCs.

6 (e) Notwithstanding any other provision of law, the
7 Secretary of Defense shall control the total number of
8 staff years to be performed by defense FFRDCs during
9 fiscal year 1999 so as to reduce the total amounts appro-
10 priated in titles II, III, and IV of this Act by \$62,000,000:
11 *Provided*, That the total amounts appropriated in titles II,
12 III, and IV of this Act are hereby reduced by \$62,000,000
13 to reflect savings from the use of defense FFRDCs by the
14 department.

15 (f) Within 60 days after enactment of this Act, the
16 Secretary of Defense shall submit to the congressional de-
17 fense committees a report presenting the specific amounts
18 of staff years of technical effort to be allocated by the de-
19 partment for each defense FFRDC during fiscal year
20 1999: *Provided*, That after the submission of the report
21 required by this subsection, the department may not re-
22 allocate more than five per centum of an FFRDC's staff
23 years among other defense FFRDCs until 30 days after
24 a detailed justification for any such reallocation is submit-
25 ted to the congressional defense committees.

1 (g) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2000 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year.

6 (h) No part of the reductions contained in subsection
7 (e) of this section may be applied against any budget activ-
8 ity, activity group, subactivity group, line item, program
9 element, program, project, subproject or activity which
10 does not fund defense FFRDC activities within each ap-
11 propriation account, and the reductions in subsection (e)
12 shall be allocated on a proportional basis.

13 (i) Not later than 90 days after enactment of this
14 Act, the Secretary of Defense shall submit to the congres-
15 sional defense committees a report listing the specific
16 funding reductions allocated to each category listed in sub-
17 section (h) above pursuant to this section.

18 SEC. 8035. None of the funds appropriated or made
19 available in this Act shall be used to procure carbon, alloy
20 or armor steel plate for use in any Government-owned fa-
21 cility or property under the control of the Department of
22 Defense which were not melted and rolled in the United
23 States or Canada: *Provided*, That these procurement re-
24 strictions shall apply to any and all Federal Supply Class
25 9515, American Society of Testing and Materials (ASTM)

1 or American Iron and Steel Institute (AISI) specifications
2 of carbon, alloy or armor steel plate: *Provided further,*
3 That the Secretary of the military department responsible
4 for the procurement may waive this restriction on a case-
5 by-case basis by certifying in writing to the Committees
6 on Appropriations of the House of Representatives and the
7 Senate that adequate domestic supplies are not available
8 to meet Department of Defense requirements on a timely
9 basis and that such an acquisition must be made in order
10 to acquire capability for national security purposes: *Pro-*
11 *vided further,* That these restrictions shall not apply to
12 contracts which are in being as of the date of enactment
13 of this Act.

14 SEC. 8036. For the purposes of this Act, the term
15 “congressional defense committees” means the National
16 Security Committee of the House of Representatives, the
17 Armed Services Committee of the Senate, the Subcommit-
18 tee on Defense of the Committee on Appropriations of the
19 Senate, and the Subcommittee on National Security of the
20 Committee on Appropriations of the House of Representa-
21 tives.

22 SEC. 8037. During the current fiscal year, the De-
23 partment of Defense may acquire the modification, depot
24 maintenance and repair of aircraft, vehicles and vessels
25 as well as the production of components and other De-

1 fense-related articles, through competition between De-
2 partment of Defense depot maintenance activities and pri-
3 vate firms: *Provided*, That the Senior Acquisition Execu-
4 tive of the military department or defense agency con-
5 cerned, with power of delegation, shall certify that success-
6 ful bids include comparable estimates of all direct and in-
7 direct costs for both public and private bids: *Provided fur-*
8 *ther*, That Office of Management and Budget Circular A-
9 76 shall not apply to competitions conducted under this
10 section.

11 SEC. 8038. (a)(1) If the Secretary of Defense, after
12 consultation with the United States Trade Representative,
13 determines that a foreign country which is party to an
14 agreement described in paragraph (2) has violated the
15 terms of the agreement by discriminating against certain
16 types of products produced in the United States that are
17 covered by the agreement, the Secretary of Defense shall
18 rescind the Secretary's blanket waiver of the Buy Amer-
19 ican Act with respect to such types of products produced
20 in that foreign country.

21 (2) An agreement referred to in paragraph (1) is any
22 reciprocal defense procurement memorandum of under-
23 standing, between the United States and a foreign country
24 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products
2 in that country.

3 (b) The Secretary of Defense shall submit to Con-
4 gress a report on the amount of Department of Defense
5 purchases from foreign entities in fiscal year 1999. Such
6 report shall separately indicate the dollar value of items
7 for which the Buy American Act was waived pursuant to
8 any agreement described in subsection (a)(2), the Trade
9 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
10 international agreement to which the United States is a
11 party.

12 (c) For purposes of this section, the term “Buy
13 American Act” means title III of the Act entitled “An Act
14 making appropriations for the Treasury and Post Office
15 Departments for the fiscal year ending June 30, 1934,
16 and for other purposes”, approved March 3, 1933 (41
17 U.S.C. 10a et seq.).

18 SEC. 8039. Appropriations contained in this Act that
19 remain available at the end of the current fiscal year as
20 a result of energy cost savings realized by the Department
21 of Defense shall remain available for obligation for the
22 next fiscal year to the extent, and for the purposes, pro-
23 vided in section 2865 of title 10, United States Code.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 8040. Amounts deposited during the current fis-
26 cal year to the special account established under 40 U.S.C.

1 485(h)(2) and to the special account established under 10
2 U.S.C. 2667(d)(1) are appropriated and shall be available
3 until transferred by the Secretary of Defense to current
4 applicable appropriations or funds of the Department of
5 Defense under the terms and conditions specified by 40
6 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C.
7 2667(d)(1)(B), to be merged with and to be available for
8 the same time period and the same purposes as the appro-
9 priation to which transferred.

10 SEC. 8041. During the current fiscal year, appropria-
11 tions available to the Department of Defense may be used
12 to reimburse a member of a reserve component of the
13 Armed Forces who is not otherwise entitled to travel and
14 transportation allowances and who occupies transient gov-
15 ernment housing while performing active duty for training
16 or inactive duty training: *Provided*, That such members
17 may be provided lodging in kind if transient government
18 quarters are unavailable as if the member was entitled to
19 such allowances under subsection (a) of section 404 of title
20 37, United States Code: *Provided further*, That if lodging
21 in kind is provided, any authorized service charge or cost
22 of such lodging may be paid directly from funds appro-
23 priated for operation and maintenance of the reserve com-
24 ponent of the member concerned.

1 SEC. 8042. The President shall include with each
2 budget for a fiscal year submitted to the Congress under
3 section 1105 of title 31, United States Code, materials
4 that shall identify clearly and separately the amounts re-
5 quested in the budget for appropriation for that fiscal year
6 for salaries and expenses related to administrative activi-
7 ties of the Department of Defense, the military depart-
8 ments, and the Defense Agencies.

9 SEC. 8043. Notwithstanding any other provision of
10 law, funds available for “Drug Interdiction and Counter-
11 Drug Activities, Defense” may be obligated for the Young
12 Marines program.

13 SEC. 8044. During the current fiscal year, amounts
14 contained in the Department of Defense Overseas Military
15 Facility Investment Recovery Account established by sec-
16 tion 2921(c)(1) of the National Defense Authorization Act
17 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
18 be available until expended for the payments specified by
19 section 2921(c)(2) of that Act.

20 SEC. 8045. Of the funds appropriated or otherwise
21 made available by this Act, not more than \$119,200,000
22 shall be available for payment of the operating costs of
23 NATO Headquarters: *Provided*, That the Secretary of De-
24 fense may waive this section for Department of Defense

1 support provided to NATO forces in and around the
2 former Yugoslavia.

3 SEC. 8046. During the current fiscal year, appropria-
4 tions which are available to the Department of Defense
5 for operation and maintenance may be used to purchase
6 items having an investment item unit cost of not more
7 than \$100,000.

8 SEC. 8047. (a) During the current fiscal year, none
9 of the appropriations or funds available to the Department
10 of Defense Working Capital Funds shall be used for the
11 purchase of an investment item for the purpose of acquir-
12 ing a new inventory item for sale or anticipated sale dur-
13 ing the current fiscal year or a subsequent fiscal year to
14 customers of the Department of Defense Working Capital
15 Funds if such an item would not have been chargeable
16 to the Department of Defense Business Operations Fund
17 during fiscal year 1994 and if the purchase of such an
18 investment item would be chargeable during the current
19 fiscal year to appropriations made to the Department of
20 Defense for procurement.

21 (b) The fiscal year 2000 budget request for the De-
22 partment of Defense as well as all justification material
23 and other documentation supporting the fiscal year 2000
24 Department of Defense budget shall be prepared and sub-
25 mitted to the Congress on the basis that any equipment

1 which was classified as an end item and funded in a pro-
2 curement appropriation contained in this Act shall be
3 budgeted for in a proposed fiscal year 2000 procurement
4 appropriation and not in the supply management business
5 area or any other area or category of the Department of
6 Defense Working Capital Funds.

7 SEC. 8048. None of the funds appropriated by this
8 Act for programs of the Central Intelligence Agency shall
9 remain available for obligation beyond the current fiscal
10 year, except for funds appropriated for the Reserve for
11 Contingencies, which shall remain available until Septem-
12 ber 30, 2000: *Provided*, That funds appropriated, trans-
13 ferred, or otherwise credited to the Central Intelligence
14 Agency Central Services Working Capital Fund during
15 this or any prior or subsequent fiscal year shall remain
16 available until expended.

17 SEC. 8049. Notwithstanding any other provision of
18 law, funds made available in this Act for the Defense In-
19 telligence Agency may be used for the design, develop-
20 ment, and deployment of General Defense Intelligence
21 Program intelligence communications and intelligence in-
22 formation systems for the Services, the Unified and Speci-
23 fied Commands, and the component commands.

24 SEC. 8050. Amounts collected for the use of the fa-
25 cilities of the National Science Center for Communications

1 and Electronics during the current fiscal year pursuant
2 to section 1459(g) of the Department of Defense Author-
3 ization Act, 1986, and deposited to the special account es-
4 tablished under subsection 1459(g)(2) of that Act are ap-
5 propriated and shall be available until expended for the
6 operation and maintenance of the Center as provided for
7 in subsection 1459(g)(2).

8 SEC. 8051. None of the funds appropriated in this
9 Act may be used to fill the commander's position at any
10 military medical facility with a health care professional
11 unless the prospective candidate can demonstrate profes-
12 sional administrative skills.

13 SEC. 8052. (a) None of the funds appropriated in this
14 Act may be expended by an entity of the Department of
15 Defense unless the entity, in expending the funds, com-
16 plies with the Buy American Act. For purposes of this
17 subsection, the term "Buy American Act" means title III
18 of the Act entitled "An Act making appropriations for the
19 Treasury and Post Office Departments for the fiscal year
20 ending June 30, 1934, and for other purposes", approved
21 March 3, 1933 (41 U.S.C. 10a et seq.).

22 (b) If the Secretary of Defense determines that a per-
23 son has been convicted of intentionally affixing a label
24 bearing a "Made in America" inscription to any product
25 sold in or shipped to the United States that is not made

1 in America, the Secretary shall determine, in accordance
2 with section 2410f of title 10, United States Code, wheth-
3 er the person should be debarred from contracting with
4 the Department of Defense.

5 (c) In the case of any equipment or products pur-
6 chased with appropriations provided under this Act, it is
7 the sense of the Congress that any entity of the Depart-
8 ment of Defense, in expending the appropriation, purchase
9 only American-made equipment and products, provided
10 that American-made equipment and products are cost-
11 competitive, quality-competitive, and available in a timely
12 fashion.

13 SEC. 8053. None of the funds appropriated by this
14 Act shall be available for a contract for studies, analysis,
15 or consulting services entered into without competition on
16 the basis of an unsolicited proposal unless the head of the
17 activity responsible for the procurement determines—

18 (1) as a result of thorough technical evaluation,
19 only one source is found fully qualified to perform
20 the proposed work; or

21 (2) the purpose of the contract is to explore an
22 unsolicited proposal which offers significant sci-
23 entific or technological promise, represents the prod-
24 uct of original thinking, and was submitted in con-
25 fidence by one source; or

1 (3) the purpose of the contract is to take ad-
2 vantage of unique and significant industrial accom-
3 plishment by a specific concern, or to insure that a
4 new product or idea of a specific concern is given fi-
5 nancial support: *Provided*, That this limitation shall
6 not apply to contracts in an amount of less than
7 \$25,000, contracts related to improvements of equip-
8 ment that is in development or production, or con-
9 tracts as to which a civilian official of the Depart-
10 ment of Defense, who has been confirmed by the
11 Senate, determines that the award of such contract
12 is in the interest of the national defense.

13 SEC. 8054. (a) Except as provided in subsections (b)
14 and (c), none of the funds made available by this Act may
15 be used—

16 (1) to establish a field operating agency; or

17 (2) to pay the basic pay of a member of the
18 Armed Forces or civilian employee of the depart-
19 ment who is transferred or reassigned from a head-
20 quarters activity if the member or employee's place
21 of duty remains at the location of that headquarters.

22 (b) The Secretary of Defense or Secretary of a mili-
23 tary department may waive the limitations in subsection
24 (a), on a case-by-case basis, if the Secretary determines,
25 and certifies to the Committees on Appropriations of the

1 House of Representatives and Senate that the granting
2 of the waiver will reduce the personnel requirements or
3 the financial requirements of the department.

4 (c) This section does not apply to field operating
5 agencies funded within the National Foreign Intelligence
6 Program.

7 SEC. 8055. Notwithstanding section 303 of Public
8 Law 96–487 or any other provision of law, the Secretary
9 of the Navy is authorized to lease real and personal prop-
10 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
11 U.S.C. 2667(f), for commercial, industrial or other pur-
12 poses.

13 (RESCISSIONS)

14 SEC. 8056. Of the funds provided in Department of
15 Defense Appropriations Acts, the following funds are here-
16 by rescinded from the following accounts in the specified
17 amounts:

18 “Missile Procurement, Army, 1998/2000”,
19 \$13,300,000;

20 “Procurement of Weapons and Tracked Combat
21 Vehicles, Army, 1998/2000”, \$6,700,000;

22 “Other Procurement, Army, 1998/2000”,
23 \$24,000,000;

24 “Weapons Procurement, Navy, 1998/2000”,
25 \$2,000,000;

1 “Procurement of Ammunition, Navy and Ma-
2 rine Corps, 1998/2000”, \$12,000,000;
3 “Other Procurement, Navy, 1998/2000”,
4 \$28,500,000;
5 “Aircraft Procurement, Air Force, 1998/2000”,
6 \$15,000,000;
7 “Missile Procurement, Air Force, 1998/2000”,
8 \$19,840,000;
9 “Other Procurement, Air Force, 1998/2000”,
10 \$4,160,000;
11 “Research, Development, Test and Evaluation,
12 Army, 1998/1999”, \$18,000,000;
13 “Research, Development, Test and Evaluation,
14 Navy, 1998/1999”, \$17,500,000;
15 “Research, Development, Test and Evaluation,
16 Air Force, 1998/1999”, \$34,370,000; and
17 “Research, Development, Test and Evaluation,
18 Defense-Wide, 1998/1999”, \$73,000,000.
19 SEC. 8057. None of the funds available in this Act
20 may be used to reduce the authorized positions for mili-
21 tary (civilian) technicians of the Army National Guard,
22 the Air National Guard, Army Reserve and Air Force Re-
23 serve for the purpose of applying any administratively im-
24 posed civilian personnel ceiling, freeze, or reduction on

1 military (civilian) technicians, unless such reductions are
2 a direct result of a reduction in military force structure.

3 SEC. 8058. None of the funds appropriated or other-
4 wise made available in this Act may be obligated or ex-
5 pended for assistance to the Democratic People's Republic
6 of North Korea unless specifically appropriated for that
7 purpose.

8 SEC. 8059. During the current fiscal year, funds ap-
9 propriated in this Act are available to compensate mem-
10 bers of the National Guard for duty performed pursuant
11 to a plan submitted by a Governor of a State and approved
12 by the Secretary of Defense under section 112 of title 32,
13 United States Code: *Provided*, That during the perform-
14 ance of such duty, the members of the National Guard
15 shall be under State command and control: *Provided fur-*
16 *ther*, That such duty shall be treated as full-time National
17 Guard duty for purposes of sections 12602(a)(2) and
18 (b)(2) of title 10, United States Code.

19 SEC. 8060. Funds appropriated in this Act for oper-
20 ation and maintenance of the Military Departments, Uni-
21 fied and Specified Commands and Defense Agencies shall
22 be available for reimbursement of pay, allowances and
23 other expenses which would otherwise be incurred against
24 appropriations for the National Guard and Reserve when
25 members of the National Guard and Reserve provide intel-

1 lidence or counterintelligence support to Unified Com-
2 mands, Defense Agencies and Joint Intelligence Activities,
3 including the activities and programs included within the
4 National Foreign Intelligence Program (NFIP), the Joint
5 Military Intelligence Program (JMIP), and the Tactical
6 Intelligence and Related Activities (TIARA) aggregate:
7 *Provided*, That nothing in this section authorizes deviation
8 from established Reserve and National Guard personnel
9 and training procedures.

10 SEC. 8061. During the current fiscal year, none of
11 the funds appropriated in this Act may be used to reduce
12 the civilian medical and medical support personnel as-
13 signed to military treatment facilities below the September
14 30, 1998 level: *Provided*, That the Service Surgeons Gen-
15 eral may waive this section by certifying to the congres-
16 sional defense committees that the beneficiary population
17 is declining in some catchment areas and civilian strength
18 reductions may be consistent with responsible resource
19 stewardship and capitation-based budgeting.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8062. None of the funds appropriated in this
22 Act may be transferred to or obligated from the Pentagon
23 Reservation Maintenance Revolving Fund, unless the Sec-
24 retary of Defense certifies that the total cost for the plan-
25 ning, design, construction and installation of equipment

1 for the renovation of the Pentagon Reservation will not
2 exceed \$1,118,000,000.

3 SEC. 8063. (a) None of the funds available to the
4 Department of Defense for any fiscal year for drug inter-
5 diction or counter-drug activities may be transferred to
6 any other department or agency of the United States ex-
7 cept as specifically provided in an appropriations law.

8 (b) None of the funds available to the Central Intel-
9 ligence Agency for any fiscal year for drug interdiction
10 and counter-drug activities may be transferred to any
11 other department or agency of the United States except
12 as specifically provided in an appropriations law.

13 (TRANSFER OF FUNDS)

14 SEC. 8064. Appropriations available in this Act under
15 the heading "Operation and Maintenance, Defense-Wide"
16 for increasing energy and water efficiency in Federal
17 buildings may, during their period of availability, be trans-
18 ferred to other appropriations or funds of the Department
19 of Defense for projects related to increasing energy and
20 water efficiency, to be merged with and to be available
21 for the same general purposes, and for the same time pe-
22 riod, as the appropriation or fund to which transferred.

23 SEC. 8065. None of the funds appropriated by this
24 Act may be used for the procurement of ball and roller
25 bearings other than those produced by a domestic source
26 and of domestic origin: *Provided*, That the Secretary of

1 the military department responsible for such procurement
2 may waive this restriction on a case-by-case basis by cer-
3 tifying in writing to the Committees on Appropriations of
4 the House of Representatives and the Senate, that ade-
5 quate domestic supplies are not available to meet Depart-
6 ment of Defense requirements on a timely basis and that
7 such an acquisition must be made in order to acquire ca-
8 pability for national security purposes.

9 SEC. 8066. Notwithstanding any other provision of
10 law, funds available to the Department of Defense shall
11 be made available to provide transportation of medical
12 supplies and equipment, on a nonreimbursable basis, to
13 American Samoa: *Provided*, That notwithstanding any
14 other provision of law, funds available to the Department
15 of Defense shall be made available to provide transpor-
16 tation of medical supplies and equipment, on a non-
17 reimbursable basis, to the Indian Health Service when it
18 is in conjunction with a civil-military project.

19 SEC. 8067. None of the funds in this Act may be
20 used to purchase any supercomputer which is not manu-
21 factured in the United States, unless the Secretary of De-
22 fense certifies to the congressional defense committees
23 that such an acquisition must be made in order to acquire
24 capability for national security purposes that is not avail-
25 able from United States manufacturers.

1 SEC. 8068. Notwithstanding any other provision of
2 law, the Naval shipyards of the United States shall be eli-
3 gible to participate in any manufacturing extension pro-
4 gram financed by funds appropriated in this or any other
5 Act.

6 SEC. 8069. Notwithstanding any other provision of
7 law, each contract awarded by the Department of Defense
8 during the current fiscal year for construction or service
9 performed in whole or in part in a State which is not con-
10 tiguous with another State and has an unemployment rate
11 in excess of the national average rate of unemployment
12 as determined by the Secretary of Labor, shall include a
13 provision requiring the contractor to employ, for the pur-
14 pose of performing that portion of the contract in such
15 State that is not contiguous with another State, individ-
16 uals who are residents of such State and who, in the case
17 of any craft or trade, possess or would be able to acquire
18 promptly the necessary skills: *Provided*, That the Sec-
19 retary of Defense may waive the requirements of this sec-
20 tion, on a case-by-case basis, in the interest of national
21 security.

22 SEC. 8070. During the current fiscal year, the Army
23 shall use the former George Air Force Base as the airhead
24 for the National Training Center at Fort Irwin: *Provided*,
25 That none of the funds in this Act shall be obligated or

1 expended to transport Army personnel into Edwards Air
2 Force Base for training rotations at the National Training
3 Center.

4 SEC. 8071. (a) The Secretary of Defense shall sub-
5 mit, on a quarterly basis, a report to the congressional
6 defense committees, the Committee on International Rela-
7 tions of the House of Representatives and the Committee
8 on Foreign Relations of the Senate setting forth all costs
9 (including incremental costs) incurred by the Department
10 of Defense during the preceding quarter in implementing
11 or supporting resolutions of the United Nations Security
12 Council, including any such resolution calling for inter-
13 national sanctions, international peacekeeping operations,
14 and humanitarian missions undertaken by the Depart-
15 ment of Defense. The quarterly report shall include an ag-
16 gregate of all such Department of Defense costs by oper-
17 ation or mission.

18 (b) The Secretary of Defense shall detail in the quar-
19 terly reports all efforts made to seek credit against past
20 United Nations expenditures and all efforts made to seek
21 compensation from the United Nations for costs incurred
22 by the Department of Defense in implementing and sup-
23 porting United Nations activities.

24 SEC. 8072. (a) LIMITATION ON TRANSFER OF DE-
25 FENSE ARTICLES AND SERVICES.—Notwithstanding any

1 other provision of law, none of the funds available to the
2 Department of Defense for the current fiscal year may be
3 obligated or expended to transfer to another nation or an
4 international organization any defense articles or services
5 (other than intelligence services) for use in the activities
6 described in subsection (b) unless the congressional de-
7 fense committees, the Committee on International Rela-
8 tions of the House of Representatives, and the Committee
9 on Foreign Relations of the Senate are notified 15 days
10 in advance of such transfer.

11 (b) COVERED ACTIVITIES.—This section applies to—

12 (1) any international peacekeeping or peace-en-
13 forcement operation under the authority of chapter
14 VI or chapter VII of the United Nations Charter
15 under the authority of a United Nations Security
16 Council resolution; and

17 (2) any other international peacekeeping, peace-
18 enforcement, or humanitarian assistance operation.

19 (c) REQUIRED NOTICE.—A notice under subsection
20 (a) shall include the following:

21 (1) A description of the equipment, supplies, or
22 services to be transferred.

23 (2) A statement of the value of the equipment,
24 supplies, or services to be transferred.

1 (3) In the case of a proposed transfer of equip-
2 ment or supplies—

3 (A) a statement of whether the inventory
4 requirements of all elements of the Armed
5 Forces (including the reserve components) for
6 the type of equipment or supplies to be trans-
7 ferred have been met; and

8 (B) a statement of whether the items pro-
9 posed to be transferred will have to be replaced
10 and, if so, how the President proposes to pro-
11 vide funds for such replacement.

12 SEC. 8073. None of the funds available to the De-
13 partment of Defense shall be obligated or expended to
14 make a financial contribution to the United Nations for
15 the cost of an United Nations peacekeeping activity
16 (whether pursuant to assessment or a voluntary contribu-
17 tion) or for payment of any United States arrearage to
18 the United Nations.

19 SEC. 8074. None of the funds available to the De-
20 partment of Defense under this Act shall be obligated or
21 expended to pay a contractor under a contract with the
22 Department of Defense for costs of any amount paid by
23 the contractor to an employee when—

1 the heading “Operation and Maintenance, Defense-Wide”
2 may be transferred to appropriations available for the pay
3 of military personnel, to be merged with, and to be avail-
4 able for the same time period as the appropriations to
5 which transferred, to be used in support of such personnel
6 in connection with support and services for eligible organi-
7 zations and activities outside the Department of Defense
8 pursuant to section 2012 of title 10, United States Code.

9 SEC. 8078. For purposes of section 1553(b) of title
10 31, United States Code, any subdivision of appropriations
11 made in this Act under the heading “Shipbuilding and
12 Conversion, Navy” shall be considered to be for the same
13 purpose as any subdivision under the heading “Shipbuild-
14 ing and Conversion, Navy” appropriations in any prior
15 year, and the 1 percent limitation shall apply to the total
16 amount of the appropriation.

17 SEC. 8079. During the current fiscal year, in the case
18 of an appropriation account of the Department of Defense
19 for which the period of availability for obligation has ex-
20 pired or which has closed under the provisions of section
21 1552 of title 31, United States Code, and which has a
22 negative unliquidated or unexpended balance, an obliga-
23 tion or an adjustment of an obligation may be charged
24 to any current appropriation account for the same purpose
25 as the expired or closed account if—

1 (1) the obligation would have been properly
2 chargeable (except as to amount) to the expired or
3 closed account before the end of the period of avail-
4 ability or closing of that account;

5 (2) the obligation is not otherwise properly
6 chargeable to any current appropriation account of
7 the Department of Defense; and

8 (3) in the case of an expired account, the obli-
9 gation is not chargeable to a current appropriation
10 of the Department of Defense under the provisions
11 of section 1405(b)(8) of the National Defense Au-
12 thorization Act for Fiscal Year 1991, Public Law
13 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
14 *vided*, That in the case of an expired account, if sub-
15 sequent review or investigation discloses that there
16 was not in fact a negative unliquidated or unex-
17 pended balance in the account, any charge to a cur-
18 rent account under the authority of this section shall
19 be reversed and recorded against the expired ac-
20 count: *Provided further*, That the total amount
21 charged to a current appropriation under this sec-
22 tion may not exceed an amount equal to 1 percent
23 of the total appropriation for that account.

24 SEC. 8080. The Under Secretary of Defense (Comp-
25 troller) shall submit to the congressional defense commit-

1 tees by February 1, 1999 a detailed report identifying, by
2 amount and by separate budget activity, activity group,
3 subactivity group, line item, program element, program,
4 project, subproject, and activity, any activity for which the
5 fiscal year 2000 budget request was reduced because Con-
6 gress appropriated funds above the President's budget re-
7 quest for that specific activity for fiscal year 1999.

8 SEC. 8081. Funds appropriated in title II of this Act
9 for supervision and administration costs for facilities
10 maintenance and repair, minor construction, or design
11 projects may be obligated at the time the reimbursable
12 order is accepted by the performing activity: *Provided*,
13 That for the purpose of this section, supervision and ad-
14 ministration costs includes all in-house Government cost.

15 SEC. 8082. The Secretary of Defense may waive re-
16 imbursement of the cost of conferences, seminars, courses
17 of instruction, or similar educational activities of the Asia-
18 Pacific Center for Security Studies for military officers
19 and civilian officials of foreign nations if the Secretary de-
20 termines that attendance by such personnel, without reim-
21 bursement, is in the national security interest of the
22 United States: *Provided*, That costs for which reimburse-
23 ment is waived pursuant to this subsection shall be paid
24 from appropriations available for the Asia-Pacific Center.

1 SEC. 8083. (a) Notwithstanding any other provision
2 of law, the Chief of the National Guard Bureau may per-
3 mit the use of equipment of the National Guard Distance
4 Learning Project by any person or entity on a space-avail-
5 able, reimbursable basis. The Chief of the National Guard
6 Bureau shall establish the amount of reimbursement for
7 such use on a case-by-case basis.

8 (b) Amounts collected under subsection (a) shall be
9 credited to funds available for the National Guard Dis-
10 tance Learning Project and be available to defray the costs
11 associated with the use of equipment of the project under
12 that subsection. Such funds shall be available for such
13 purposes without fiscal year limitation.

14 SEC. 8084. Using funds available by this Act or any
15 other Act, the Secretary of the Air Force, pursuant to a
16 determination under section 2690 of title 10, United
17 States Code, may implement cost-effective agreements for
18 required heating facility modernization in the
19 Kaiserslautern Military Community in the Federal Repub-
20 lic of Germany: *Provided*, That in the City of
21 Kaiserslautern such agreements will include the use of
22 United States anthracite as the base load energy for mu-
23 nicipal district heat to the United States Defense installa-
24 tions: *Provided further*, That at Landstuhl Army Regional
25 Medical Center and Ramstein Air Base, furnished heat

1 may be obtained from private, regional or municipal serv-
2 ices, if provisions are included for the consideration of
3 United States coal as an energy source.

4 SEC. 8085. During the current fiscal year, the
5 amounts which are necessary for the operation and main-
6 tenance of the Fisher Houses administered by the Depart-
7 ments of the Army, the Navy, and the Air Force are here-
8 by appropriated, to be derived from amounts which are
9 available in the applicable Fisher House trust fund estab-
10 lished under 10 U.S.C. 2221 for the Fisher Houses of
11 each such department.

12 SEC. 8086. During the current fiscal year and here-
13 after, refunds attributable to the use of the Government
14 travel card by military personnel and civilian employees
15 of the Department of Defense and refunds attributable to
16 official Government travel arranged by Government Con-
17 tracted Travel Management Centers may be credited to
18 operation and maintenance accounts of the Department
19 of Defense which are current when the refunds are re-
20 ceived.

21 SEC. 8087. During the current fiscal year, not more
22 than a total of \$60,000,000 in withdrawal credits may be
23 made by the Marine Corps Supply Management activity
24 group of the Navy Working Capital Fund, Department of
25 Defense Working Capital Funds, to the credit of current

1 applicable appropriations of a Department of Defense ac-
2 tivity in connection with the acquisition of critical low den-
3 sity repairables that are capitalized into the Navy Working
4 Capital Fund.

5 SEC. 8088. Notwithstanding 31 U.S.C. 3902, during
6 the current fiscal year interest penalties may be paid by
7 the Department of Defense from funds financing the oper-
8 ation of the military department or defense agency with
9 which the invoice or contract payment is associated.

10 SEC. 8089. At the time the President submits his
11 budget for fiscal year 2000 and any fiscal year thereafter,
12 the Department of Defense shall transmit to the congres-
13 sional defense committees a budget justification document
14 for the active and reserve Military Personnel accounts, to
15 be known as the “M-1”, which shall identify, at the budg-
16 et activity, activity group, and subactivity group level, the
17 amounts requested by the President to be appropriated to
18 the Department of Defense for military personnel in any
19 budget request, or amended budget request, for that fiscal
20 year.

21 SEC. 8090. None of the funds appropriated in title
22 IV of this Act may be used to procure end-items for deliv-
23 ery to military forces for operational training, operational
24 use or inventory requirements: *Provided*, That this restric-
25 tion does not apply to end-items used in development,

1 prototyping, and test activities preceding and leading to
2 acceptance for operational use: *Provided further*, That this
3 restriction does not apply to programs funded within the
4 National Foreign Intelligence Program: *Provided further*,
5 That the Secretary of Defense may waive this restriction
6 on a case-by-case basis by certifying in writing to the
7 Committees on Appropriations of the House of Represent-
8 atives and the Senate that it is in the national security
9 interest to do so.

10 SEC. 8091. None of the funds made available in this
11 Act may be obligated or expended to enter into or renew
12 a contract with a contractor that is subject to the report-
13 ing requirement set forth in subsection (d) of section 4212
14 of title 38, United States Code, but has not submitted the
15 most recent report required by such subsection for 1998
16 or a subsequent year.

17 SEC. 8092. None of the funds made available in this
18 Act may be used to approve or license the sale of the F-
19 22 advanced tactical fighter to any foreign government.

20 SEC. 8093. None of the funds appropriated or other-
21 wise made available by this Act may be made available
22 for the United States Man and the Biosphere Program,
23 or related projects.

24 SEC. 8094. Notwithstanding 31 U.S.C. 1552(a), of
25 the funds provided in Department of Defense Appropria-

1 tions Acts, not more than the specified amounts from the
2 following accounts shall remain available for the payment
3 of satellite on-orbit incentive fees until the fees are paid:

4 “Missile Procurement, Air Force, 1995/1997”,
5 \$20,978,000;

6 “Missile Procurement, Air Force, 1996/1998”,
7 \$16,782,400.

8 SEC. 8095. None of the funds in this or any other
9 Act may be used by the National Imagery and Mapping
10 Agency for any mapping, charting, and geodesy activities
11 unless contracts for such services are awarded in accord-
12 ance with the qualifications based selection process in 40
13 U.S.C. 541 et seq. and 10 U.S.C. 2855: *Provided*, That
14 an exception shall be provided for such services that are
15 critical to national security after a written notification has
16 been submitted by the Deputy Secretary of Defense to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate.

19 SEC. 8096. Funds made available to the Civil Air Pa-
20 trol in this Act under the heading “Drug Interdiction and
21 Counter-Drug Activities, Defense” may be used for the
22 Civil Air Patrol Corporation’s counterdrug program, in-
23 cluding its demand reduction program involving youth
24 programs, as well as operational and training drug recon-
25 naissance missions for federal, state and local government

1 agencies; for administrative costs, including the hiring of
2 Civil Air Patrol Corporation employees; for travel and per
3 diem expenses of Civil Air Patrol Corporation personnel
4 in support of those missions; and for equipment needed
5 for mission support or performance: *Provided*, That of
6 these funds, \$300,000 shall be made available to establish
7 and operate a distance learning program: *Provided further*,
8 That the Department of the Air Force should waive reim-
9 bursement from the Federal, State and local government
10 agencies for the use of these funds.

11 SEC. 8097. The Secretary of Defense shall undertake
12 a review of all distributed learning education and training
13 programs in the Department of Defense and shall issue
14 a plan to implement a department-wide, standardized,
15 cost-effective Advanced Distributed Learning framework
16 to achieve the goals of commonality, interoperability, and
17 reuse: *Provided*, That the Secretary shall report to Con-
18 gress on the results of this review and present a detailed
19 implementation and budget plan no later than July 30,
20 1999.

21 SEC. 8098. None of the funds in this Act may be
22 available for the purchase by the Department of Defense
23 of cross deck pendants for arresting aircraft on U.S. Navy
24 aircraft carriers unless such cross deck pendants are man-
25 ufactured in the United States from components which are

1 substantially manufactured in the United States: *Pro-*
2 *vided*, That when adequate domestic supplies are not avail-
3 able to meet Department of Defense requirements on a
4 timely basis, the Secretary of the military department re-
5 sponsible for the procurement may waive this restriction
6 on a case-by-case basis by certifying in writing to the
7 Committees on Appropriations of the House of Represent-
8 atives and the Senate that such an acquisition must be
9 made in order to acquire capability for national security
10 purposes.

11 SEC. 8099. None of the funds in this or any other
12 Act shall be available to any Reserve Component to estab-
13 lish new activities to perform depot level maintenance and
14 remanufacture of any equipment in the Department of De-
15 fense inventory unless the Secretary of Defense first cer-
16 tifies to the Committees on Appropriations of the House
17 of Representatives and the Senate, on a case-by-case basis,
18 that (a) insufficient workload capacity is available at exist-
19 ing government or private sector depot maintenance facili-
20 ties currently used by the Reserve Components for similar
21 work; and (b) an in-depth analysis has been performed
22 comparing the cost of any proposed expansion of depot
23 facilities versus the cost of performing the same work at
24 existing depot facilities or by the private sector.

1 SEC. 8100. Notwithstanding any other provision of
2 law, the TRICARE managed care support contracts in ef-
3 fect, or in final stages of acquisition as of September 30,
4 1998, may be extended for two years: *Provided*, That any
5 such extension may only take place if the Secretary of De-
6 fense determines that it is in the best interest of the gov-
7 ernment: *Provided further*, That any contract extension
8 shall be based on the price in the final best and final offer
9 for the last year of the existing contract as adjusted for
10 inflation and other factors mutually agreed to by the con-
11 tractor and the government: *Provided further*, That not-
12 withstanding any other provision of law, all future
13 TRICARE managed care support contracts replacing con-
14 tracts in effect, or in the final stages of acquisition as of
15 September 30, 1998, may include a base contract period
16 for transition and up to seven one-year option periods.

17 SEC. 8101. Notwithstanding any other provision in
18 this Act, the total amount appropriated in this Act is here-
19 by reduced by \$204,100,000 to reflect savings from re-
20 vised economic assumptions, to be distributed as follows:

21 “Aircraft Procurement, Army”, \$4,000,000;

22 “Missile Procurement, Army”, \$4,000,000;

23 “Procurement of Weapons and Tracked Combat
24 Vehicles, Army”, \$4,000,000;

1 “Procurement of Ammunition, Army”,
2 \$3,000,000;
3 “Other Procurement, Army”, \$9,000,000;
4 “Aircraft Procurement, Navy”, \$22,000,000;
5 “Weapons Procurement, Navy”, \$4,000,000;
6 “Procurement of Ammunition, Navy and Ma-
7 rine Corps”, \$1,000,000;
8 “Shipbuilding and Conversion, Navy”,
9 \$18,000,000;
10 “Other Procurement, Navy”, \$12,000,000;
11 “Procurement, Marine Corps”, \$2,000,000;
12 “Aircraft Procurement, Air Force”,
13 \$23,000,000;
14 “Missile Procurement, Air Force”, \$5,200,000;
15 “Procurement of Ammunition, Air Force”,
16 \$1,000,000;
17 “Other Procurement, Air Force”, \$4,900,000;
18 “Procurement, Defense-Wide”, \$5,100,000;
19 “Chemical Agents and Munitions Destruction,
20 Army”, \$3,000,000;
21 “Research, Development, Test and Evaluation,
22 Army”, \$10,000,000;
23 “Research, Development, Test and Evaluation,
24 Navy”, \$18,500,000;

1 “Research, Development, Test and Evaluation,
2 Air Force”, \$26,300,000; and

3 “Research, Development, Test and Evaluation,
4 Defense-Wide”, \$24,100,000:

5 *Provided*, That these reductions shall be applied propor-
6 tionally to each budget activity, activity group and sub-
7 activity group and each program, project, and activity
8 within each appropriation account.

9 SEC. 8102. (a) TRANSFERS OF VESSELS BY
10 GRANT.—The Secretary of the Navy is authorized to
11 transfer vessels to foreign countries on a grant basis under
12 section 516 of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2321j) as follows:

14 (1) To the Government of Argentina, the NEW-
15 PORT class tank landing ship NEWPORT (LST
16 1179).

17 (2) To the Government of Greece—

18 (A) the KNOX class frigate HEPBURN
19 (FF 1055); and

20 (B) the ADAMS class guided missile de-
21 stroyers STRAUSS (DDG 16), SEMMS (DDG
22 18), and WADDELL (DDG 24).

23 (3) To the Government of Portugal, the STAL-
24 WART class ocean surveillance ship ASSURANCE
25 (T-AGOS 5).

1 (4) To the Government of Turkey, the KNOX
2 class frigates PAUL (FF 1080), MILLER (FF
3 1091), and W.S. SIMMS (FF 1059).

4 (b) TRANSFERS OF VESSELS BY SALE.—The Sec-
5 retary of the Navy is authorized to transfer vessels to for-
6 eign countries on a sales basis under section 21 of the
7 Arms Export Control Act (22 U.S.C. 2761) as follows:

8 (1) To the Government of Brazil, the NEW-
9 PORT class tank landing ships CAYUGA (LST
10 1186) and PEORIA (LST 1183).

11 (2) To the Government of Chile—

12 (A) the NEWPORT class tank landing
13 ship SAN BERNARDINO (LST 1189); and

14 (B) the auxiliary repair dry dock WATER-
15 FORD (ARD 5).

16 (3) To the Government of Greece—

17 (A) the OAK RIDGE class medium dry
18 dock ALAMAGORDO (ARDM 2); and

19 (B) the KNOX class frigates VREELAND
20 (FF 1068) and TRIPPE (FF 1075).

21 (4) To the Government of Mexico—

22 (A) the auxiliary repair dock SAN
23 ONOFRE (ARD 30); and

24 (B) the KNOX class frigate PHARRIS
25 (FF 1094).

1 (5) To the Government of the Philippines, the
2 STALWART class ocean surveillance ship TRI-
3 UMPH (T-AGOS 4).

4 (6) To the Government of Spain, the NEW-
5 PORT class tank landing ships HARLAN COUNTY
6 (LST 1196) and BARNSTABLE COUNTY (LST
7 1197).

8 (7) To the Taipei Economic and Cultural Rep-
9 resentative Office in the United States (the Taiwan
10 instrumentality that is designated pursuant to sec-
11 tion 10(a) of the Taiwan Relations Act)—

12 (A) the KNOX class frigates PEARY (FF
13 1073), JOSEPH HEWES (FF 1078), COOK
14 (FF 1083), BREWTON (FF 1086), KIRK
15 (FF 1987), and BARBEY (FF 1088);

16 (B) the NEWPORT class tank landing
17 ships MANITOWOC (LST 1180) and SUM-
18 TER (LST 1181);

19 (C) the floating dry dock COMPETENT
20 (AFDM 6); and

21 (D) the ANCHORAGE class dock landing
22 ship PENSACOLA (LSD 38).

23 (8) To the Government of Turkey—

24 (A) the OLIVER HAZARD PERRY class
25 guided missile frigates MAHLON S. TISDALE

1 (FFG 27), REID (FFG 30), and DUNCAN
2 (FFG 10); and

3 (B) the KNOX class frigates REASONER
4 (FF 1063), FANNING (FF 1076), BOWEN
5 (FF 1079), MCCANDLESS (FF 1084), DON-
6 ALD BEARY (FF 1085), AINSWORTH (FF
7 1090), THOMAS C. HART (FF 1092), and
8 CAPODANNO (FF 1093).

9 (9) To the Government of Venezuela, the me-
10 dium auxiliary floating dry dock bearing hull num-
11 ber AFDM 2.

12 (c) TRANSFERS OF VESSELS ON A COMBINED LEASE-
13 SALE BASIS.—The Secretary of the Navy is authorized
14 to transfer vessels to foreign countries on a combined
15 lease-sale basis under sections 61 and 21 of the Arms Ex-
16 port Control Act (22 U.S.C. 2796, 2761) and in accord-
17 ance with subsection (d) as follows:

18 (1) To the Government of Brazil, the CIM-
19 ARRON class oiler MERRIMACK (AO 179).

20 (2) To the Government of Greece, the KIDD
21 class guided missile destroyers KIDD (DDG 993),
22 CALLAGHAN (DDG 994), SCOTT (DDG 995),
23 and CHANDLER (DDG 996).

24 (d) CONDITIONS RELATING TO COMBINED LEASE-
25 SALE TRANSFERS.—A transfer of a vessel on a combined

1 lease-sale basis authorized by subsection (c) shall be made
2 in accordance with the following provisions, which the Sec-
3 retary shall include in the terms of any agreement with
4 the recipient country for such transfer of the vessel:

5 (1) The Secretary may initially transfer the ves-
6 sel by lease, with lease payments suspended for the
7 term of the lease, while simultaneously entering into
8 a foreign military sales agreement for the transfer of
9 title to the vessel.

10 (2) The Secretary may not deliver title to the
11 vessel until the purchase price of the vessel under
12 such a sales agreement is paid in full.

13 (3) Upon payment of the purchase price in full
14 under such a sales agreement and delivery of title to
15 the recipient country, the Secretary shall terminate
16 the lease.

17 (4) If the purchasing country fails to make full
18 payment of the purchase price in accordance with
19 the sales agreement—

20 (A) the sales agreement shall be imme-
21 diately terminated;

22 (B) the suspension of lease payments
23 under the lease shall be vacated; and

24 (C) the United States shall be entitled to
25 retain funds received under the sales agreement

1 in such amounts as necessary to cover the
2 amount of lease payments due and payable
3 under the lease and all other costs required by
4 the lease to be paid as of the date of the sales
5 agreement termination.

6 (5) If a sales agreement is terminated pursuant
7 to paragraph (4), the United States shall not be re-
8 quired to pay any interest to the recipient country
9 on any amount paid to the United States by the re-
10 cipient country under the sales agreement and not
11 retained by the United States under the lease.

12 (e) FUNDING FOR CERTAIN COSTS OF TRANSFERS.—
13 There is established in the Treasury of the United States
14 a special account to be known as the Defense Vessels
15 Transfer Program Account. There is hereby appropriated
16 into that account such sums as may be necessary for the
17 costs (as defined in section 502 of the Congressional
18 Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale
19 transfers authorized by subsection (d). Funds in that ac-
20 count are available only for the purpose of covering those
21 costs.

22 (f) WAIVER OF REQUIREMENTS FOR NOTIFICATION
23 TO CONGRESS.—Section 516(f) of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2321j(f)), section 525 of the For-
25 eign Operations, Export Financing, and Related Programs

1 Appropriations Act, 1998 (Public Law 105–118; 111 Stat.
2 2412), and any similar, successor provision of law do not
3 apply with respect to the transfers authorized by this sec-
4 tion.

5 (g) INAPPLICABILITY OF AGGREGATE ANNUAL LIM-
6 TATION ON VALUE OF TRANSFERRED EXCESS DEFENSE
7 ARTICLES.—In the case of the transfer of a vessel author-
8 ized by subsection (a) to be made by grant under section
9 516 of the Foreign Assistance Act of 1961 (22 U.S.C.
10 2321j), the value of the vessel transferred shall not be in-
11 cluded for purposes of subsection (g) of that section in
12 the aggregate value of excess defense articles transferred
13 to countries under that section in any fiscal year.

14 (h) COSTS OF TRANSFERS.—Any expense incurred by
15 the United States in connection with a transfer authorized
16 by this section shall be charged to the recipient.

17 (i) REPAIR AND REFURBISHMENT IN UNITED
18 STATES SHIPYARDS.—To the maximum extent prac-
19 ticable, the Secretary of the Navy shall require, as a condi-
20 tion of the transfer of a vessel under this section, that
21 the country to which the vessel is transferred have such
22 repair or refurbishment of the vessel as is needed, before
23 the vessel joins the naval forces of that country, performed
24 at a shipyard located in the United States, including a
25 United States Navy shipyard.

1 (j) EXPIRATION OF AUTHORITY.—The authority to
2 transfer vessels under this section shall expire at the end
3 of the two-year period beginning on the date of the enact-
4 ment of this Act.

5 SEC. 8103. None of the funds in this Act may be
6 used to compensate an employee of the Department of De-
7 fense who initiates a new start program without notifica-
8 tion to the Office of the Secretary of Defense and the con-
9 gressional defense committees, as required by Department
10 of Defense financial management regulations.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8104. Of the funds made available under title
13 II of this Act, the following amounts shall be transferred
14 to the Defense Working Capital Funds for the purpose
15 of funding operations of the Defense Commissary Agency:

16 “Operation and Maintenance, Army”,
17 \$338,400,000;

18 “Operation and Maintenance, Navy”,
19 \$255,000,000;

20 “Operation and Maintenance, Marine Corps”,
21 \$86,600,000; and

22 “Operation and Maintenance, Air Force”,
23 \$302,071,000:

24 *Provided*, That the transfer authority provided in this sec-
25 tion is in addition to any other transfer authority con-
26 tained elsewhere in this Act.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8105. In addition to other amounts appro-
3 priated in this Act, \$20,000,000, to remain available until
4 expended, is appropriated for “Operation and Mainte-
5 nance, Defense-Wide”, for emergency and extraordinary
6 expenses associated with the accident involving United
7 States Marine Corps A-6 aircraft on February 3, 1998,
8 near Cavalese, Italy: *Provided*, That these funds shall be
9 available only for the purposes described in this section:
10 *Provided further*, That the entire amount is designated by
11 the Congress as an emergency requirement pursuant to
12 section 251(b)(2)(A) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985, as amended: *Provided*
14 *further*, That the entire amount shall be available only to
15 the extent that an official budget request for a specific
16 dollar amount, that includes designation of the entire
17 amount of the request as an emergency requirement as
18 defined in the Balanced Budget and Emergency Deficit
19 Control Act of 1985, as amended, is transmitted by the
20 President to the Congress: *Provided further*, That upon
21 transmittal to the Congress of an official budget request
22 as described in the preceding proviso, the amount re-
23 quested as an emergency appropriation shall be trans-
24 ferred to “Funds Appropriated to the President”, and not-
25 withstanding any other provision of law, this amount shall

1 be available only for payments to persons, communities,
2 or other entities in Italy only for reimbursement for dam-
3 ages resulting from the expenses associated with the acci-
4 dent involving United States Marine Corps A-6 aircraft
5 on February 3, 1998, near Cavalese, Italy: *Provided fur-*
6 *ther*, That notwithstanding any other provision of law,
7 funds made available under this section may be used to
8 rebuild or replace the funicular system in Cavalese de-
9 stroyed on February 3, 1998 by United States aircraft:
10 *Provided further*, That any amount paid to any individual
11 or entity from the amount appropriated under this section
12 shall be credited against any amount subsequently deter-
13 mined to be payable to that individual or entity under
14 chapter 163 of title 10, United States Code, section 127
15 of that title, or any other authority provided by law for
16 administrative settlement of claims against the United
17 States with respect to damages arising from the accident
18 described in this section: *Provided further*, That payment
19 of an amount under this section shall not be considered
20 to constitute a statement of legal liability on the part of
21 the United States or otherwise to prejudge any judicial
22 proceeding or investigation arising from the accident de-
23 scribed in this section.

24 SEC. 8106. No funds appropriated or otherwise made
25 available by this Act may be used to initiate or conduct

1 offensive military operations by United States Armed
2 Forces except in accordance with the war powers clause
3 of the Constitution (article 1, section 8), which vests in
4 Congress the power to declare and authorize war and to
5 take certain specified, related decisions.

6

TITLE IX

7 EMERGENCY APPROPRIATIONS FOR INFORMA-
8 TION SYSTEMS TECHNOLOGY AND SECU-
9 RITY

10

OPERATION AND MAINTENANCE

11

INFORMATION SYSTEMS TECHNOLOGY AND SECURITY

12

TRANSFER ACCOUNT

13

(INCLUDING TRANSFER OF FUNDS)

14

15 For emergency expenses of the Department of De-
16 fense relating to year 2000 conversion of information tech-
17 nology and national security systems, for information
18 technology and computer security/information assurance
19 programs, and for related purposes, \$1,600,000,000, to
20 remain available until expended: *Provided*, That funds
21 made available under this heading are also available for
22 the purposes described above for elements of the intel-
23 ligence community whose activities are funded in this Act:
24 *Provided further*, That as required, the Secretary of De-
25 fense may transfer these funds to any account in this or
previously enacted Department of Defense Appropriations

1 Acts: *Provided further*, That funds appropriated under this
2 heading, or made available by transfer of such funds, to
3 any intelligence agency or activity of the United States
4 Government shall be deemed to be specifically authorized
5 by the Congress for purposes of section 504 of the Na-
6 tional Security Act of 1947 (50 U.S.C. 414): *Provided fur-*
7 *ther*, That of the amounts made available under this head-
8 ing, \$1,600,000,000 is designated by the Congress as an
9 emergency requirement pursuant to section 251(b)(2)(A)
10 of the Balanced Budget and Emergency Deficit Control
11 Act of 1985, as amended: *Provided further*, That the entire
12 amount shall be available only to the extent that an official
13 budget request for a specific dollar amount, that includes
14 designation of the entire amount of the request as an
15 emergency requirement as defined in the Balanced Budget
16 and Emergency Deficit Control Act of 1985, as amended,
17 is transmitted by the President to the Congress: *Provided*
18 *further*, That the President's request shall specifically
19 identify agencies, accounts, programs, projects and activi-
20 ties to be funded and no funds shall be available until 15
21 days after the submission of the request: *Provided further*,
22 That the funds transferred shall be merged with and shall
23 be available for the same purposes and for the same time
24 period as the appropriation to which transferred: *Provided*
25 *further*, That the transfer authority provided under this

1 heading is in addition to any other transfer authority
2 available to the Department of Defense.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 9001. (a) ENSURING YEAR 2000 COMPLIANCE
5 OF INFORMATION TECHNOLOGY AND NATIONAL SECU-
6 RITY SYSTEMS.—(1) None of the funds appropriated or
7 otherwise made available by this Act may (except as pro-
8 vided in paragraph (2)) be obligated or expended on the
9 development or modernization of any information tech-
10 nology or national security system of the Department of
11 Defense in use by the Department of Defense (whether
12 or not the system is a mission critical system) if that sys-
13 tem does not meet certification level 1a, 1b, or 2 (as pre-
14 scribed in the April 1997 publication of the Department
15 of Defense entitled “Year 2000 Management Plan”).

16 (2) The limitation in paragraph (1) does not apply
17 to an obligation or expenditure—

18 (A) that is directly related to ensuring that a
19 system achieves year 2000 compliance;

20 (B) for a system that is being developed and
21 fielded to replace before January 1, 2000, a non-
22 compliant system or a system to be terminated in
23 accordance with the May 1998 Department of De-
24 fense quarterly report on the status of year 2000
25 compliance; or

1 (C) for a particular change that is specifically
2 required by law or that is specifically directed by the
3 Secretary of Defense.

4 (b) UNALLOCATED REDUCTIONS OF FUNDS NOT TO
5 APPLY TO MISSION CRITICAL SYSTEMS.—Funds appro-
6 priated or otherwise made available by this Act for mission
7 critical systems are not subject to any unallocated reduc-
8 tion of funds made by or otherwise applicable to funds
9 provided in this Act.

10 (c) CURRENT SERVICES OPERATIONS NOT AF-
11 FECTED.—Subsection (a) does not prohibit the obligation
12 or expenditure of funds for current services operations of
13 information technology and national security systems.

14 (d) WAIVER AUTHORITY.—The Secretary of Defense
15 may waive subsection (a) on a case-by-case basis with re-
16 spect to an information technology or national security
17 system if the Secretary provides the congressional defense
18 committees with written notice of the waiver, including the
19 reasons for the waiver and a timeline for the testing and
20 certification of the system as year 2000 compliant.

21 (e) REQUIRED REPORT.—(1) Not later than Decem-
22 ber 1, 1998, the Secretary of Defense shall submit to the
23 congressional defense committees a report describing—

24 (A) an executable strategy to be used through-
25 out the Department of Defense to test information

1 technology and national security systems for year
2 2000 compliance (to include functional capability
3 tests and military exercises);

4 (B) the plans of the Department of Defense for
5 ensuring that adequate resources (such as testing fa-
6 cilities, tools, and personnel) are available to ensure
7 that all mission critical systems achieve year 2000
8 compliance; and

9 (C) the criteria and process to be used to cer-
10 tify a system as year 2000 compliant.

11 (2) The report shall also include—

12 (A) an updated list of all mission critical sys-
13 tems; and

14 (B) guidelines for developing contingency plans
15 for the functioning of each information technology or
16 national security system in the event of a year 2000
17 problem in any such system.

18 (f) CAPABILITY CONTINGENCY PLANS.—Not later
19 than December 30, 1998, the Secretary of Defense shall
20 have in place contingency plans to ensure continuity of
21 operations for every critical mission or function of the De-
22 partment of Defense that is dependent on an information
23 technology or national security system.

24 (g) INSPECTOR GENERAL EVALUATION.—The In-
25 spector General of the Department of Defense shall selec-

1 tively audit information technology and national security
2 systems certified as year 2000 compliant to evaluate the
3 ability of systems to successfully operate during the actual
4 year 2000, including the ability of the systems to access
5 and transmit information from point of origin to point of
6 termination.

7 (h) DEFINITIONS.—For purposes of this section:

8 (1) The term “information technology” has the
9 meaning given that term in section 5002 of the
10 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

11 (2) The term “national security system” has
12 the meaning given that term in section 5142 of such
13 Act (40 U.S.C. 1452).

14 (3) The term “development or modernization”
15 has the meaning given that term in paragraph E of
16 section 180203 of the Department of Defense Fi-
17 nancial Management Regulation (DOD 7000.14–R),
18 but does not include any matter covered by subpara-
19 graph 3 of that paragraph.

20 (4) The term “current services” has the mean-
21 ing given that term in paragraph C of section
22 180203 of the Department of Defense Financial
23 Management Regulation (DOD 7000.14–R).

24 (5) The term “mission critical system” means
25 an information technology or national security sys-

1 tem that is designated as mission critical in the May
2 1998 Department of Defense quarterly report on the
3 status of year 2000 compliance.

4 SEC. 9002. (a) PLAN FOR SIMULATION OF YEAR
5 2000 IN MILITARY EXERCISES.—Not later than Decem-
6 ber 15, 1998, the Secretary of Defense shall submit to
7 Congress a plan for the execution of a simulated year
8 2000 as part of military exercises described in subsection
9 (c) in order to evaluate, in an operational environment,
10 the extent to which information technology and national
11 security systems involved in those exercises will success-
12 fully operate during the actual year 2000, including the
13 ability of those systems to access and transmit information
14 from point of origin to point of termination.

15 (b) EVALUATION OF COMPLIANCE IN SELECTED EX-
16 ERCISES.—In conducting the military exercises described
17 in subsection (c), the Secretary of Defense shall ensure
18 that at least 25 of those exercises (referred to in this sec-
19 tion as “Year 2000 simulation exercises”) are conducted
20 so as to include a simulated year 2000 in accordance with
21 the plan submitted under subsection (a). The Secretary
22 of Defense shall ensure that at least two of those exercises
23 are conducted by the commander of each unified or speci-
24 fied combatant command.

1 (c) COVERED MILITARY EXERCISES.—A military ex-
2 ercise referred to in subsections (a) and (b) is a military
3 exercise conducted by the Department of Defense, during
4 the period beginning on January 1, 1999, and ending on
5 September 30, 1999—

6 (1) under the training exercises program known
7 as the “CJCS Exercise Program”;

8 (2) at the Naval Strike and Air Warfare Cen-
9 ter, the Army National Training Center, or the Air
10 Force Air Warfare Center; or

11 (3) as part of Naval Carrier Group fleet train-
12 ing or Marine Corps Expeditionary Unit training.

13 (d) AUTHORITY FOR EXCLUSION OF SYSTEMS NOT
14 CAPABLE OF PERFORMING RELIABLY IN YEAR 2000 SIM-
15 ULATION.—(1) In carrying out a Year 2000 simulation ex-
16 ercise, the Secretary of Defense may exclude a particular
17 information technology or national security system from
18 the year 2000 simulation phase of the exercise if the Sec-
19 retary determines that the system would be incapable of
20 performing reliably during the year 2000 simulation phase
21 of the exercise. In such a case, the system excluded shall
22 be replaced in accordance with the year 2000 contingency
23 plan for the system.

24 (2) If the Secretary of Defense excludes an informa-
25 tion technology or national security system from the year

1 2000 simulation phase of an exercise as provided in para-
2 graph (1), the Secretary shall notify Congress of that ex-
3 clusion not later than two weeks before commencing that
4 exercise. The notice shall include a list of each information
5 technology or national security system excluded from the
6 exercise, a description of how the exercise will use the year
7 2000 contingency plan for each such system, and a de-
8 scription of the effect that continued year 2000 non-
9 compliance of each such system would have on military
10 readiness.

11 (3) An information technology or national security
12 system with cryptological applications that is not capable
13 of having its internal clock adjusted forward to a simu-
14 lated later time is exempt from the year 2000 simulation
15 phase of an exercise under this section.

16 (e) DEFINITIONS.—For the purposes of this section:

17 (1) The term “information technology” has the
18 meaning given that term in section 5002 of the
19 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

20 (2) The term “national security system” has
21 the meaning given that term in section 5142 of such
22 Act (40 U.S.C. 1452).

23 This Act may be cited as the “Department of Defense
24 Appropriations Act, 1999”.

Union Calendar No. 333

105TH CONGRESS
2^D SESSION

H. R. 4103

[Report No. 105-591]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

JUNE 22, 1998

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed